

Washington, Thursday, December 5, 1946

Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I-Civil Service Commission

PART 26—REGULATIONS UNDER THE FEDERAL EMPLOYEES PAY ACT OF 1945 AS AMENDED BY THE FEDERAL EMPLOYEES PAY ACT OF 1946

SERVICE TO BE CREDITED

Section 26.231 Service to be credited (11 F. R. 7394, 9547, 11349) is amended by the addition of a paragraph as follows:

(h) In the case of an employee who applied for restoration, reappointment or reemployment within the period, provided by statute or regulation, of 90 calendar days after honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge, and who has been restored, reappointed or reemployed as a result of such application, the total period of time elapsing between the termination of military service or release from hospitalization continuing thereafter, and entrance on duty in his civilian position if such period does not exceed 120 calendar days. However, if entrance on civilian duty has been delayed so that such period is in excess of 120 calendar days, only the first 120 calendar days of such period may be credited. This paragraph shall be effective December 5, 1946 and shall apply to all computations of within-grade salary increases made after that date.

Note: Under the present regulations credit toward within-grade salary advancements is not allowed for so much of the period of time between the date of honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge and the date of restoration, reappointment or reemployment to a civilian position, as exceeds in total the equivalent of twenty-two eight-hour days in the basic forty-hour workweeks within the period of service required for one periodic within-grade advancement. This amendment extends the period for which credit may be given to 120 calendar days. Postponement of the effec-

tive date of this amendment to thirty days after publication in the FEDERAL REGISTER, as required by section 4 (c) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d sess.), would in some cases require the postponement of within-grade salary advancements to employees who would be eligible for such advancements under this amendment. The Commission therefore finds that there exists good cause for making such amendment effective immediately.

(Sec. 605, 59 Stat. 304, Pub. Law 390, 79th Cong.; 5 U. S. C. 945)

The United States Civil Service Commission.

[SEAL] HARRY B. MITCHELL, President.

[F. R. Doc. 46-21192; Filed, Dec. 4, 1946; 8:46 a. m.]

TITLE 7-AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

Part 904—Milk in the Greater Boston, Massachusetts, Marketing Area

HANDLING OF MILK IN GREATER BOSTON, MASS., MARKETING AREA

§ 904.1 Findings and determinations— (a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agree-ment Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agree-ments and orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

 The said order as amended and as hereby further amended, and all of the

(Continued on p. 14095)

CONTENTS

REGULATIONS AND NOTICES

THE RESERVE OF THE PARTY OF THE	
AGRICULTURE DEPARTMENT:	Page
Allied Molasses Co., Inc.; hear-	
ing for limited purposes	14131
Milk handling:	*****
Fall River, Mass., area	14097
Greater Boston, Mass., area_ Lowell-Lawrence, Mass., area_	14093
New York Metropolitan area_	14005
Washington, D. C., area	14000
ALIEN PROPERTY, OFFICE OF:	14091
Vesting orders, etc.:	
Allgemeine Deutsche Credit-	
Anstalt	14122
Cremer, Helena, et al	14127
Engel, George W	14124
Giesler, Kurt, et al	14195
Hirai, J. Shoji	14123
Pulvermann, Sibylla	14125
Uomoto, Munenobu	14126
Von Werlhof, Violet L	14123
CIVIL AERONAUTICS BOARD:	-
Aircraft airworthiness limited	
category; availability of	
surplus aircraft	14098
General operation rules; NL air-	-
craft identification marks	14099
CIVIL SERVICE COMMISSION:	TOTAL ST
Federal Employees Pay Act;	
service to be credited	14093
CIVILIAN PRODUCTION ADMINISTRA-	
TION:	
Priorities system operation;	
critical products (PR 28,	
Sch, I)	14101
Cuanancian ardore ata.	
Kallison, Morris S.	14103
Keystone Storage Battery Co.	14103
Montella, James and	
Kathryn	14100
Shmookler, Abraham, and	
Francis Fine	14100
Zehring, J. C., and Theodore	11100
Zehring	14100
DEFENSE TRANSPORTATION, OFFICE	11100
OF:	
Rail equipment, conservation;	
carload freight traffic	14114
Traffic movements, direction;	14114
shipment of overseas freight	14114
Exception	14114
1/1002	



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by

The FEDERAL REGISTER will be furnished by The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republica-

There are no restrictions on the republica-tion of material appearing in the FEDERAL REGISTER.

NOW AVAILABLE

Code of Federal Regulations 1945 Supplement

Book 1: Titles 1 through 9, including, in Title 3, Presidential documents in full text with appropriate reference tables.

Book 2: Titles 10 through 14. Book 3: Titles 15 through 32. Book 4: Titles 33 through 50.

These books may be obtained from the Superintendent of Documents, Government Printing Office, at \$3 each.

A limited sales stock of the 1944 Supplement (3 books) is still available at \$3 a book.

CONTENTS-Continued

EDERAL COMMUNICATIONS COM-	Page
MISSION:	
Hearings, etc.:	
Atlanta Broadcasting Co.	
(WATL)	
California Broadcasting Co	AND DESCRIPTION OF THE PARTY OF
Champion City Broadcasting	
Co	14128
Hearst Radio, Inc. (WBAL)	******
and Public Service Radio	
Corp	
Miami County Broadcasting	
Co., Inc.	
Publix Broadcasting Service	
of Charlotte, Inc.	
San Fernando Valley Broad-	
casting Co	
Seaside Broadcasting Co. and	
Atlantic City Broadcast-	
ing Corp	14131

CONTENTS-Continued FEDERAL COMMUNICATIONS COM- Page

MISSION-Continued.

	44400	
Wired Music, Inc Organization and practice and	14130	
procedure; authority dele-		
gated to Chief Engineer	14108	
FEDERAL POWER COMMISSION:		
Hearings, etc.:		
Cities Service Gas Co		
Memphis Natural Gas Co Natural Gas Pipeline Co. of	14131	
America	14131	
INTERSTATE COMMERCE COMMISSION:		
Car service:		
Box cars, rough, utilization		
for loading shingles from	14100	
Oregon and Washington_ Empty cars, movement; ap-	14108	
	14108	
Icing at Roseville, San Jose or		
Stockton, Calif	14109	
Carriers of property, common		
and contract; miscellaneous		
amendments (3 docu- ments) 14109, 14110,	14112	
Motor carriers, Report Form A.	14113	
MARITIME COMMISSION:		1
Bill of lading requirements; pro-	*****	
posed rules 141108,	14132	
PRICE ADMINISTRATION, OFFICE OF:		
Repeal, revocation, amendment or other modification of		
price regulations and ex-		
emption or suspension from		-
price control of commodi-		
ties; effect (SO 40, Am. 1)_	14103	
SECURITIES AND EXCHANGE COMMIS-		,
SION:		13
Hearings, etc.: Buffalo Niagara Electric Corp.		
et al	14120	
Cities Service Co	14119	
Kansas City Power & Light		
Co	14118	3
Middle West Corp. et al North American Gas and	14119	Y
Electric Co. et al	14121	
Northern States Power Co. et		
	14117	
al. (2 documents)_ 14116,		
Peoples Light Co. of Pittston		
Peoples Light Co. of Pittston et al		
Peoples Light Co. of Pittston et al	14114	
Peoples Light Co. of Pittston et al		
Peoples Light Co. of Pittston et al	14114	
Peoples Light Co. of Pittston et al	14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al United Light and Power Co. et al Selective Service System: Patuxent Refuge Project, Prince Georges County; designation as camp for conscientious objectors Solid Fuels Administration for War:	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114	
Peoples Light Co. of Pittston et al	14114 14114 14132	
Peoples Light Co. of Pittston et al	14114 14114 14132	
Peoples Light Co. of Pittston et al	14114 14114 14132	
Peoples Light Co. of Pittston et al	14114 14114 14132	
Peoples Light Co. of Pittston et al	14114 14114 14132 14099	
Peoples Light Co. of Pittston et al	14114 14114 14132	
Peoples Light Co. of Pittston et al	14114 14114 14132 14099	
Peoples Light Co. of Pittston et al	14114 14114 14132 14099	
Peoples Light Co. of Pittston et al	14114 14114 14132 14099	

CONTENTS—Continued	
WAR ASSETS ADMINISTRATION:	Page
Aircraft disposal; price list for	
educational and public health institutions or in-	14104
strumentalitiesAluminum scrap; reports of	14104
sales and inventory Contractor inventory and dis-	14106
posals by owning agencies:	
Aeronautical special tooling in Government-owned	
Forms for reporting contrac-	14105
tor inventory and dis-	
posals by owning agen-	14105
Machines and machine tools owned by Reconstruction	
Finance Corporation, at-	
Instructional equipment, dis-	14108
posal to educational institu-	
tions and instrumentalities. Pricing and distribution policy	14106
for consumer goods	14106
Proceeds and expenses; use of surplus property by dis-	
posal agencies War Department:	14104
Non-repairable property, dis- position; miscellaneous.	
position; miscellaneous. amendments	14098
CODIFICATION GUIDE	
A numerical list of the parts of th	e Code
of Federal Regulations affected by door published in this issue. Proposed ru opposed to final actions, are identified	iles, as
in narentheses	
in parentheses. Title 5—Administrative Person-	Page
TITLE 5—ADMINISTRATIVE PERSON- NEL:	Page
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission:	Page
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay	
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts	
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and	
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration	
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders);	
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders); Part 904—Milk in Greater Boston Mass	14093
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders); Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropoli-	14093
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in 'Lowell-Part 934—Milk in 'Lowell-	14093 14093 14095
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washing-	14093 \\ 14093 \\ 14095 \\ 14096 \
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C	14093 \\ 14093 \\ 14095 \\ 14096 \\ 14097 \\
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders); Part 904—Milk in Greater Boston, Mass—Part 927—Milk in metropolitan New York—Part 934—Milk in Lowell—Lawrence, Mass—Part 945—Milk in Washington, D. C—Part 947—Milk in Fall River, Mass—	14093 14093 14095 14096 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders); Part 904—Milk in Greater Boston, Mass—Part 927—Milk in metropolitan New York—Part 934—Milk in Lowell—Lawrence, Mass—Part 945—Milk in Washington, D. C—Part 947—Milk in Fall River, Mass—TITLE 10—ARMY: WAR DEPARTMENT	14093 14093 14095 14096 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment:	14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and	14093 14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of non-repairable property TITLE 14—CIVIL AVIATION:	14093 14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass—Part 927—Milk in metropolitan New York—Part 934—Milk in Lowell—Lawrence, Mass—Part 945—Milk in Washington, D. C—Part 947—Milk in Fall River, Mass—TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of non-repairable property—TITLE 14—CIVIL AVIATION: Chapter I—Civil Aeronautics Board:	14093 14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell—Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of nonrepairable property TITLE 14—CIVIL AVIATION: Chapter I—Civil Aeronautics Board: Part 09—Aircraft airworthiness limited category.	14093 14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of nonrepairable property TITLE 14—CIVIL AVIATION: Chapter I—Civil Aeronautics Board: Part 09—Aircraft airworthiness limited category—Part 43—General operation	14093 14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of non-repairable property TITLE 14—CIVIL AVIATION: Chapter I—Civil Aeronautics Board: Part 09—Aircraft airworthiness limited category—Part 43—General operation rules——TITLE 29—LABOR:	14093 14093 14095 14096 14097 14097
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell—Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of nonrepairable property TITLE 14—CIVIL AVIATION: Chapter I—Civil Aeronautics Board: Part 09—Aircraft airworthiness limited category—Part 43—General operation rules TITLE 29—LABOR: Chapter V—Wage and Hour Division:	14093 14093 14095 14096 14097 14097 14098
TITLE 5—ADMINISTRATIVE PERSONNEL: Chapter I—Civil Service Commission: Part 26—Regulations under Federal Employees Pay Acts TITLE 7—AGRICULTURE: Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders): Part 904—Milk in Greater Boston, Mass Part 927—Milk in metropolitan New York Part 934—Milk in Lowell-Lawrence, Mass Part 945—Milk in Washington, D. C Part 947—Milk in Fall River, Mass TITLE 10—ARMY: WAR DEPARTMENT Chapter VIII—Supplies and Equipment: Part 824—Disposition of non-repairable property TITLE 14—CIVIL AVIATION: Chapter I—Civil Aeronautics Board: Part 09—Aircraft airworthiness limited category—Part 43—General operation rules——TITLE 29—LABOR:	14093 14093 14095 14096 14097 14097 14098

establishments_____ 14099

CODIFICATION GUIDE-Continued

TITLE 30-MINERAL RESOURCES: Chapter VI-Solid Fuels Administration for War: Part 602-General orders and directives_____14099 TITLE 32-NATIONAL DEFENSE: Chapter IX-Civilian Production Administration: Note: Regulations and orders appearing under this chapter are listed only in the Table of Contents, supra. Chapter XI-Office of Price Administration: Note: Regulations and orders appearing under this chapter are listed only in the Table of Contents, sunra. Chapter XXIII - War Assets Administration: Part 8304-Disposal of aircraft and components and parts of aircraft ____ 14104 Part 8309-Contractor inventory and disposals by owning agencies (3 documents)_____ 14105, 14108 Part 8311-Proceeds and expenses _ Part 8312-Aluminum scrap__ 14106 Part 8314-Disposal to nonprofit institutions and discounts for educational or public health institutions or instrumentali-_ 14106 ties Part 8322-Pricing and distribution policy for consumer goods_____ 14106 TITLE 46-SHIPPING: Chapter II-Maritime Commission: Part 223-Bill of lading requirements (proposed) __ 14108, 14132 TITLE 47-TELECOMMUNICATION: Chapter I-Federal Communications Commission: Part 1-Organization, practice, and procedure____ 14108 TITLE 49-TRANSPORTATION AND RAILROADS: Chapter I-Interstate | Com merce Commission: Part 95-Car service 43 documents) _____ 14108, 14109 4 Part 182-Common and contract carriers of property 14109. (3 documents)____ 14110, 14112 Part 205-Reports of motor carriers _____ __ 14113 V Chapter II-Office of Defense Transportation: Part 500-Conservation of rail equipment_____ 14114 Part 502-Direction of traffic movement____ Part 520-Conservation of rail equipment; exceptions, permits, and special directions_____14114 Part 522—Direction of traffic movement; exceptions,

terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) Any delay in the effective date of this order, as amended and as hereby amended, beyond that specified herein below will seriously threaten the supply of milk for the Greater Boston, Massachusetts, marketing area and therefore publication of this order not less than 30 days prior to its effective date (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) Determination. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed in the Greater Boston, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area; and it is further determined that:

 The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which is produced for sale in said marketing area; and

522—Direction of traffic (3) The issuance of this order further amending the said order, as amended, is exemptions, and permits 14114 approved or favored by at least two-

thirds of the producers who during September 1946 determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

§ 904.2 Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order as amended, is hereby further amended as follows:

1. Immediately following the first colon in § 904.6 (a) (1) add a proviso as follows: Provided, That for each delivery period or part thereof prior to February 1, 1947 which falls within any emergency period declared pursuant to § 904.3 (a) (14), the price shall be not less than \$5.65.

2. In § 904.6 (a) (1), delete subdivision (i) and substitute therefor the following:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601, et seq.

Issued at Washington, D. C., this 29th day of November 1946, to be effective on and after the 1st day of December 1946.

[SEAL] CLINTON P. ANDERSON, Secretary of Agriculture.

Approved:

John R. Steelman,
Director of War Mobilization
and Reconversion, Economic
Stabilization Director.

[F. R. Doc. 46-21175; Filed, Dec. 4, 1946; 8:49 a. m.]

PART 927—MILK IN THE NEW YORK METRO-POLITAN MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 927.0 Findings and determinations-(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the New York metropolitan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended and as hereby amended, and all of the terms and conditions of said order, as amended and as hereby amended, will tend to effectuate the declared policy of the act:

(2) The prices calculated to give milk produced for sale in the New York metropolitan marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other eco-nomic conditions which affect market supplies of and demand for such milk, and the minimum prices set forth in the aforesaid order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended and as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been

(4) Any delay in the effective date of this order, as amended and as hereby amended, beyond that specified herein below will seriously threaten the supply of milk for the New York metropolitan milk marketing area and therefore publication of this order not less than 30 days prior to its effective date (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest.

(b) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby amended, which is marketed within the New York metropolitan marketing area, refused or failed to sign the tentatively approved marketing agreement, as amended, regulating the handling of milk in the New York metropolitan marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the de-

clared policy of the act;

(2) The issuance of this order further amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the New York metropolitan marketing area;

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least twothirds of the producers who, during August 1946 (determined to be a representative period), were engaged in the production of milk for sale in said New York metropolitan marketing area.

§ 927.00 Order relative to handling. It is therefore ordered that, from and after the effective date hereof, the handling of milk in the New York metropolitan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended in the following respects:

1. Change that portion of § 927.5 (a) (1) preceding the table therein to read; "For Class I-A milk the price per hundredweight during each month shall be as set forth in the following table: Provided. That during the month of December 1946 the Class I-A price shall be \$5.46 per hundredweight:"

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U.S. C. 601 et seq.)

Issued at Washington, D. C., this 29th day of November 1946, to be effective on and after the 1st day of December 1946.

CLINTON P. ANDERSON, Secretary of Agriculture.

Approved: November 29, 1946.

JOHN R. STEELMAN, Director of War Mobilization and Reconversion, Director of Economic Stabilization.

[F. R. Doc. 46-21173; Filed, Dec. 4, 1946; 8:48 a. m.]

PART 934-MILK IN THE LOWELL-LAW-RENCE, MASSACHUSETTS, MARKETING AREA

MISCELLANEOUS AMENDMENTS

§ 934.1 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"). and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp. 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the

declared policy of the act;

(2) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and de-

mand for such milk, and the minimum prices specified in the said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) Any delay in the effective date of this order, as amended and as hereby further amended, beyond that specified herein below will seriously threaten the supply of milk for the Lowell-Lawrence, Massachusetts, marketing area, and therefore publication of this order not less than 30 days prior to its effective date (see sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 40 Stat. 237) is impracticable and contrary to the public interest.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed within the Lowell-Lawrence marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Lowell-Lawrence marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of

the act:

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least twothirds of the producers who during September 1946, determined to be a representative period, were engaged in the production of milk for sale in the said

marketing area.

§ 934.2 Order relative to handling. It is, therefore, ordered on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts. marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Immediately following the first colon in § 934.6 (a) (1) add a proviso as follows: "Provided, That for each delivery period or part thereof prior to February 1, 1947 which falls within any emergency period declared by market administrator of the order, as amended, regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.3 (a) (14) of that order, the price shall be not less than \$6.09."

2. In § 934.6 (a) (1) delete subdivision (i) and substitute therefor the follow-

ing:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C. 601 et-seq.)

Issued at Washington, D. C., this 29th day of November 1946, to be effective on and after the 1st day of December 1946.

[SEAL] CLINTON P. ANDERSON, Secretary of Agriculture.

Approved: November 29, 1946.

JOHN R. STEELMAN,
Director, Office of War Mobilization and Reconversion, Economic Stabilization Director.

[F. R. Doc. 46-21177; Filed, Dec. 4, 1946; 8:48 a. m.]

PART 945—MILK IN THE WASHINGTON, D. C. MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (7 U. S. C. 601 et seq.), and of the order, as amended, regulating the handling of milk in the Washington, D. C., milk marketing area, it is hereby determined that the following provision contained in § 945.7 (a) (1) of said order, as amended "is 82 cents or above the price shall be increased 40 cents and if such butter price" does not tend to effectuate the declared policy of the act for the month of December 1946.

It is further found and determined that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Public Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when the conditions necessitating the foregoing finding became apparent and the effective date of the price change which would result from the provision hereby being suspended is insufficient to permit such compliance.

It is therefore ordered, that effective as of 12:01 a.m., e. s. t., December 1, 1946 and continuing through the month of December 1946, the following provision contained in § 945.7 (a) (1) of said order, as amended, is suspended: "is 82 cents or above the price shall be increased 40 cents and if such butter price" (48 Stat. 31, 670, 675; 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 29th day of November 1946.

[SEAL] CLINTON P. ANDERSON, Secretary of Agriculture,

[F. R. Doc. 46-21174; Filed, Dec. 4, 1946; 8:49 a. m.]

PART 947—MILK IN THE FALL RIVER, MAS-SACHUSETTS MARKETING AREA MISCELLANEOUS AMENDMENTS

§ 947.0 Findings and determinations—(a) Findings upon the basis of the hearing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Cum. Supp., 900.1 et seq., 10 F. R. 11791, 11 F. R. 7737), a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared

policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has

been held.

(4) Any delay in the effective date of this order, as amended and as hereby amended, beyond that specified herein below will seriously threaten the supply of milk for the Fall River, Massachusetts, marketing area and therefore publica-

tion of this order not less than 30 days prior to its effective date (see section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237) is impracticable and contrary to the public interest.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this amended order) of at least 50 percent of the volume of milk covered by said order, as amended and as hereby further amended, which is marketed in the Fall River, Massachusetts, marketing area, refused or failed to sign the tentatively approved marketing agreement regulating the handling of milk in the Fall River, Massachusetts, marketing area; and it is further determined that:

(1) The refusal or failure of such handlers to sign such tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of

the act:

(2) The issuance of this order further amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interest of the producers of milk which is produced for sale in said marketing area; and

(3) The issuance of this order further amending the said order, as amended, is approved or favored by at least two-thirds of the producers who during September 1946 determined to be a representative period, were engaged in the production of milk for sale in the said

marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order as amended, is hereby further amended as follows:

1. In § 947.4 (a) add a second proviso as follows: "and Provided, That for each delivery period or part thereof prior to February 1, 1947 which falls within any emergency period declared by the market administrator of the order, as amended, regulating the handling of milk in the Greater Boston marketing area pursuant to § 904.3 (a) (14) of that order, the price shall be not less than \$6.40."

In § 947.4 (a) delete subparagraph
 and substitute therefor the following:

(1) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-

score) butter at wholesale in the New York market.

(48 Stat. 31, 670, 675; 49 Stat. 750; 50 Stat. 246; 7 U. S. C., 601 et seq.)

Issued at Washington, D. C., this 29th day of November 1946, to be effective on and after the 1st day of December 1946.

[SEAL] CLINTON

CLINTON P. ANDERSON, Secretary of Agriculture.

Approved: November 29, 1946.

JOHN R. STEELMAN,
Director, Office of War Mobilization and Reconversion, Economic Stabilization Director.

[F. R. Doc. 46-21176; Filed, Dec. 4, 1946; 8:49 a. m.]

TITLE 10-ARMY: WAR DEPARTMENT

Chapter VIII-Supplies and Equipment

PART 824—DISPOSITION OF NON-REPAIRABLE PROPERTY

MISCELLANEOUS AMENDMENTS

Part 824, Chapter VIII, Title 10, Code of Federal Regulations is hereby amended as follows:

- 1. Amend paragraphs (b) through (e), inclusive, of § 824.4 as follows:
- § 824.4 Authorized methods of sale.

(b) The sealed bid procedure will be used only when directed by the Director, Service, Supply, and Procurement Division, War Department General Staff.

- (c) Unless otherwise authorized or directed by the Director, Service, Supply, and Procurement Division, War Department General Staff, the commanding general of the appropriate army, the Commanding General, Army Air Forces, the Commanding General, Military District of Washington, or the chief of the technical service having jurisdiction, all sales will be made upon informed written bids solicited from as many bidders as may be practicable under the circumstances and in no case less than three bidders. Such bids will be obtained by issuing written invitations for informal bids on forms prescribed in applicable technical manuals.
- (d) Sales may be made upon bids obtained by telephone or oral negotiations;
- (1) Upon specific authorization of the commanding general of the appropriate army, the Commanding General, Army Air Forces, the Commanding General, Military District of Washington, or the chief of the technical service having jurisdiction.
- (2) When the sale is to be made to an Army exchange; or
- (3) When sale is made by allocation, pursuant to orders of the Civilian Production Administration.
- (e) Sales may be made by auction, and professional auctioneers may be employed only upon the specific authorization of the Director, Service, Supply, and Procurement Division, War Department General Staff.
- 2. Amend §§ 824.5 through 824.7, inclusive, as follows:

§ 824.5 Bids from certain persons prohibited. On all sales of Governmentowned property, except as provided in AR 30-2290 (regulations pertaining to sale of property and services) technical manuals, and other Wari Department publications, all officials and employees of the War Department, including civilian employees, officers and enlisted men, except those persons on terminal leave, will be excluded from the field of bidders, and bids from any of said persons will not be considered or accepted.

§ 824.6 Making of awards. Written invitations for bids will specify a time for submitting bids thereon which will be not less than 15 days from the date of the invitation, unless a shorter period has been authorized by the commanding general of the appropriate army, the Commanding General, Army Air Forces, the Commanding General, Military District of Washington, or the chief of the technical service having jurisdiction, and a copy filed with the records of the salvage officer.

§ 824.7 Bid deposits to guarantee fulfillment. Invitations for bids will specify that at least 20 percent of the entire amount of the bid, in the form of surety bonds or deposits, as provided by General Provision 1 (Deposits or Bonds to Accompany Bid) of WD Contract Form 26, PR 1326.3 (see § 813.1326 (b) (1), General Provisions, 10 CFR) will accompany the bid as a guaranty of fulfillment. The provisions of this section may be waived in special cases by the commanding general of the appropriate army, the Commanding General, Army Air Forces, the Commanding General, Military District of Washington, or the chief of the technical service having jurisdiction.

3. Amend § 824.9 by changing the text of the first sentence of paragraph (a) and revising paragraph (b) to read as follows:

§ 824.9 Amount due United States to be paid before shipment—(a) Property sold. No property sold will be delivered or shipped to the buyer until the amount due the United States therefor has been paid, except as authorized by the Commanding General, Army Air Forces, the Commanding General, Military District of Washington, the chief of the technical service having jurisdiction, or the commanding general of the appropriate army. * *

(b) Shipment on Government bills of lading. No shipment will be made on Government bills of lading without express authority therefor from either the commanding general of the appropriate army, the Commanding General, Military District of Washington, Commanding General, Army Air Forces, or the chief of the technical service having jurisdiction.

4. Section 824.10 is added as follows:

§ 824.10 Small lots of surplus property. Small lots of surplus property turned over to salvage officers will be disposed of by them in accordance with provisions of War Department Procurement Regulation 7, and other applicable War Department directives.

(R. S. 161; 5 U. S. C. 22) (AR 700-25, 8 Nov 1946)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-21168; Filed, Dec. 4, 1946; 8:47 a. m.]

TITLE 14-CIVIL AVIATION

Chapter I-Civil Aeronautics Board

[Civil Air Regs. Amdt. 09-0]

PART 09—AIRCRAFT AIRWORTHINESS
LIMITED CATEGORY

AVAILABILITY OF SURPLUS AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of November 1946. It appearing that: The proposal to adopt a new part to provide airworthiness standards applicable to aircraft having substantial service records with military services was circulated to the aircraft manufacturers. the air carriers, and other interested aviation organizations on August 21, 1946, with the request for the submission of any comments or suggestions not later than September 13, 1946; several comments have been received and all such comments have been considered by the Board; it is desirable to permit civilian utilization of certain models of military aircraft which cannot be certificated under present regulations; these aircraft should be made available to the public without further delay;

The Civil Aeronautics Board finds that the notice and public procedure provided for in section 4 (a) of the Administrative Procedure Act are unnecessary and that this regulation should become effective immediately.

Now therefore, effective November 21, 1946, the Civil Air Regulations are amended by adding a new Part 09 to read as follows:

PART 09—AIRCRAFT AIRWORTHINESS LIMITED CATEGORY

This part is for the purpose of making available to the public certain military surplus aircraft which were originally designed for the military services of the United States for combat and other specialized purposes and which experience in military service has shown to be safe for operation so long as the operation is confined to flights in which neither passengers nor cargo are carried for hire.

Sec.
09.0 Aircraft category.
09.1 Type certificate.
09.2 Airworthiness certificate.

AUTHORITY: §§ 09.0 to 09.2, inclusive, issued under 52 Stat. 984, 1007; 49 U. S. C. 425, 551.

§ 09.0 Aircraft category. Aircraft certificated in accordance with this part shall be classified in the Limited category, suffix "L".

§ 09.1 Type certificate.

§ 09.10 Requirements for issuance. A type certificate will be issued if the Administrator finds:

(a) The aircraft is of a make and model which was originally designed and has been manufactured for, and accepted for use by, the military services of the United States for combat or other specialized purposes.

(b) There is no civilian aircraft of essentially the same basic model for which an approved type certificate has

been issued.

(c) That information obtained from the record of operation of the make and model as a military aircraft does not disclose any characteristics which would render it unsafe when operated as a civil aircraft in accordance with the limitations and conditions prescribed by the Administrator.

(d) Application is made for the type certificate prior to December 31, 1947.

§ 09.2 Airworthiness certificate.

§ 09.20 Requirements for issuance. A limited airworthiness certificate will be issued by the Administrator for an aircraft eligible for a type certificate under this part, if he finds after inspection that the aircraft is in a good state of preservation and repair and is in a condition for safe operation. Such inspection shall include a flight check by the applicant. Limited airworthiness certificates shall not be issued after January 31, 1948.

§ 09.21 Limitations. The Administrator shall prescribe in the aircraft operating record such limitations and conditions as are necessary for safe operation of the aircraft.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 46-21169; Filed, Dec. 4, 1946; 8:45 a, m.]

[Civil Air Regs., Amdt. 43-6]

PART 43-GENERAL OPERATION RULES

NL AIRCRAFT IDENTIFICATION MARKS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of November 1946. It

appearing that:

A new Part 09 of the Civil Air Regulations providing airworthiness standards for certain models of military aircraft has been adopted, effective this date, and it is necessary to provide for the proper display on aircraft certificated under this part the appropriate identification marks, which provision must be made effective on the same date as the effectiveness of Part 09;

The Civil Aeronautics Board finds that the notice and public procedure provided for in section 4 (a) of the Administrative Procedure Act are unnecessary and that this regulation should become effective immediately.

Now therefore, effective November 21, 1946, § 43.102 of Part 43 of the Civil Air Regulations is amended by adding a new

paragraph (e) to read as follows:

(e) NL. Roman capital letters NL followed by the registration symbols shall be displayed on aircraft which have complied with the airworthiness requirements specified in Part 09 of the Civil Air Regulations. Such aircraft shall not carry passengers or cargo for compensation or hire. A placard shall be prominently displayed in the passenger compartment of the aircraft bearing the words, "This is a military type aircraft and under the Civil Air Regulations shall not be used for the carriage of passengers or cargo for compensation or hire." The Administrator shall prescribe the dimensions of the placard and the lettering and the location of the placard.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551) By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN, Secretary.

[F. R. Doc. 46-21170; Filed, Dec. 4, 1946; 8:49 a. m.]

TITLE 29-LABOR

Chapter V-Wage and Hour Division, Department of Labor

Subchapter B-Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 775-GENERAL

ADVISORY INTERPRETATIONS ANNOUNCED BY ADMINISTRATOR

§ 775.1 Advisory interpretations announced by the Administrator. Advisory interpretations announced by the Administrator serve only to indicate the construction of the law which will guide the Administrator in the performance of his administrative duties unless he is directed otherwise by the authoritative ruling of the courts, or unless he shall subsequently decide that his prior interpretation is incorrect.

PART 779—RETAIL AND SERVICE ESTAB-LISHMENTS

STATUS OF LAUNDRIES AND LINEN SUPPLY COMPANIES

§ 779.1 Release A-2 rescinded; status of laundries and linen supply companies under section 13 (a) (2) clarified. The recent decisions of the U.S. Supreme Court in the Roland Electrical Co. v. Walling and Martino v. Michigan Window Cleaning Co. cases make it quite clear that services provided to commercial or industrial customers for business purposes are not services of the type that qualify an establishment for exemption under § 13 (a) (2). It should be noted that in the Roland Electrical decision the Supreme Court specifically stated that it granted certiorari especially because of the divergence of opinions among the Circuit Courts of Appeals as to the in-terpretation of § 13 (a) (2)." The conflicting views referred to, as stated in footnote 1 of the Roland decision are: Fleming v. Kirschbaum; Fleming v. Arsenal Building Corp.; Guess v. Montague; Bracey v. Luray; Lonas v. National Linen Service Corp.; and Martino v. Michigan Window Cleaning Co. Cf. All Service Laundry Corp. v. Phillips, 149 F. (2d) 416 (C. C. A. 2), cert. den., February 25, 1946. It is, therefore, my opinion that

where an otherwise covered establishment, such as a laundry, performs services for private individuals for personal or family use and also performs similar activities for commercial or industrial customers, the work for the commercial or industrial customers is not, in general, exempt. However, the Divisions will contine to adhere to the position expressed in Interpretative Bulletin No 6 that the performance of some nonexempt servicing in an otherwise exempt establishment will not defeat the exemption if the amount of such nonexempt servicing is not substantial in relation to the total servicing performed by the establishment. If the gross receipts from such nonexempt servicing constitute more than 25 percent of the total gross receipts of the establishment, the nonexempt servicing will be deemed substantial and the exemption will be deemed inapplicable.

Accordingly, since the uncertainty referred to in release A-2 has now been definitely resolved by the Supreme Court, the Divisions will, effective January 15, 1947, enforce the act in the laundry and linen supply industry on the basis of the foregoing interpretation. Release A-2, therefore, is withdrawn and in the future the Divisions will institute enforcement proceedings under the Act in accordance with the principles set forth in Inter-

pretative Bulletin No. 6.

Signed at New York, New York, this 29th day of November 1946.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 46-21178; Filed, Dec. 4, 1946; 8:45 a. m.]

TITLE 30-MINERAL RESOURCES

Chapter VI-Solid Fuels Administration for War

[Rev. Reg. 32, Direction 8 Under §§ 602.875-602.884]

PART 602—GENERAL ORDERS AND DIRECTIVES

NOTICE OF DIRECTION TO ALL LAKE SHIPPERS AND FORWARDERS OF BITUMINOUS COAL PROHIBITING LOADING OR DUMPING OF COAL INTO VESSELS FOR STORAGE PURPOSES AND PROHIBITING RELEASE OF COAL NOT NEEDED FOR TRANSSHIPMENT

Notwithstanding any provision of Exception No. 1 to Notice of Direction No. 4, issued November 18, 1946 (11 F. R. 13630):

1. No person shall dump or load, or order or direct the dumping or loading of bituminous coal now at or in transit to any Great Lakes loading port, into any vessel for storage or other purposes, unless such vessel is scheduled to clear such loading port for transshipment of its cargo to an unloading port on the Great Lakes during the present season of navigation, or such extension thereof as the weather may permit.

2. No person shall release or otherwise dispose of, except upon specific authorization or direction of the Solid Fuels Administration for War, any bituminous coal now in any such person's possession or under his control at or in transit to any Great Lakes loading port, and which will not be loaded by him, or pursuant to his direction, into vessels for transshipment via the Great Lakes during

the present season of navigation or such extension thereof as the weather may permit.

3. Each shipper and forwarder who has in his possession or under his control any bituminous coal after completion by him of loadings into vessels for transshipment for this season, shall submit report thereon, as required by paragraph numbered 2 of Notice of Direction No. 4, sending a copy thereof to the SFAW Area Distribution Manager for the district in which the coal is produced.

4. All persons are prohibited from receiving any bituminous coal which a shipper or forwarder is not permitted to ship or deliver to him under this direction or any other

order, regulation or direction of the Solid Fuels Administration for War.

5. This direction shall take effect immediately and remain in force and effect until further notice.

6. No person shall be held liable for any damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the pro-visions of this direction.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176, 58 Stat. 827, 59 Stat. 658; E. O. 9125, April 7, 1942; E. O. 9332, April 19, 1943; 7 F. R. 2719, 8 F. R. 5355)

Issued this 3d day of December 1946.

J. A. KRUG, Solid Fuels Administrator for War.

[F. R. Doc. 46-21280; Filed, Dec. 4, 1946; 11:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX-Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of docuunless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Proruties Order 1 Aug. Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010-SUSPENSION ORDERS

[Suspension Order S-1027]

J. C. ZEHRING AND THEODORE ZEHRING

J. C. Zehring and Theodore Zehring are engaged in the dry cleaning business at 927 North Main Street, Wichita, Kansas. On or about June 14, 1946, without authorization from the Civilian Production Administration, they began and thereafter carried on construction of a building at 112 South Hanley Street, Wichita, Kansas, to be used as a branch of the dry cleaning business at an estimated cost in excess of \$1,000 even though application filed by Theodore Zehring had been denied. This construction constituted a wilful violation of Veterans' Housing Program Order No. 1 and has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1027 Suspension Order No. S-1027. (a) The temporary suspension order issued by telegram dated July 31,

1946, against J. C. Zehring and Theodore

Zehring is hereby revoked.

(b) Neither J. C. Zehring. Theodore Zehring, their successors or assigns, nor any other person, shall do any construction on the premises located at 112 South Hanley Street, Wichita, Kansas, including putting up, completing, or altering the structure thereon unless otherwise specifically authorized in writing by the Civilian Production Administration.

(e) J. C. Zehring and Theodore Zehring shall refer to this order in any application for appeal which they or either of them may file with the Civilian Production Administration for authorization to carry on construction.

(d) Nothing contained in this order shall be deemed to relieve J. C. Zehring or Theodore Zehring or their successors or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 46-21268; Filed, Dec. 3, 1946; 4:41 p. m.]

PART 1010-SUSPENSION ORDERS

[Suspension Order S-1028]

ABRAHAM SHMOOKLER AND FRANCIS FINE

Abraham Shmookler, individually and doing business as Heights Auto Parts, 98 West Clay Avenue, Muskegon, Michigan, and Francis Fine 2578 Henry Street, Muskegon, Michigan, on or about April 18, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure for use as a garage and salesroom for automotive parts, at 2578 Henry Street, Muskegon, Michigan. The beginning and carrying on of this construction, at an estimated cost in excess of \$1,000, constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered

§ 1010.1028 Suspension Order No. S-1028. (a) Neither Abraham Shmookler, individually and doing business as Heights Auto Parts, nor Francis Fine, their successors or assigns, nor any other person shall do any further construction on the premises located at 2578 Henry Street, Muskegon, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Abraham Shmookler, individually and doing business as Heights Auto Parts, and Francis Fine, shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve Abraham Shmookler, individually and doing business as Heights Auto Parts, and Francis Fine, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions here-

Issued this 3d day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION, By J. JOSEPH WHELAN. Recording Secretary.

[F. R. Doc. 46-21271; Filed, Dec. 3, 1946; 4:41 p. m.]

PART 1010-SUSPENSION ORDERS

[Suspension Order S-1030]

JAMES AND KATHRYN MONTELLA

James and Kathryn Montella, of 5525 Schaefer Road, Dearborn, Michigan, sub-sequent to May 6, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure for use as a plumbing shop, at 5211 Schaefer Highway, Dearborn, Michigan, the estimated cost of which was in excess of \$1,000. The beginning and carrying on of this construction, at an estimated cost in excess of \$1,000, constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1030 Suspension Order No. S-1030. (a) Neither James nor Kathryn Montella, their successors or assigns, nor any other person shall do any further construction on the premises located at 5211 Schaefer Highway, Dearborn, Michigan, including putting up, completing, or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) James and Kathyrn Montella shall refer to this order in any application or appeal which they may file with the Civilian Production Administration or the Federal Housing Administration for

priorities assistance.

(c) Nothing contained in this order shall be deemed to relieve James and Kathryn Montella, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration except insofar as the same may be inconsistent with the provisions hereof.

Issued this 3d day of December 1946.

CIVILIAN PRODUCTION ADMINISTRATION. By J. JOSEPH WHELAN. Recording Secretary.

[F. R. Doc. 46-21269; Filed, Dec. 3, 1946; 4:41 p. m.]

PART 944-REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYS-TEM

[Priorities Reg. 28, Schedule I, as Amended Dec. 4, 1946)

CRITICAL PRODUCTS

(a) Introduction. The table in this schedule lists certain of the critical products which the Civilian Production Administration has determined to be in such tight supply that they are serious threats to the national economy. When effective assistance of other kinds is not practicable, the CPA may assign CC preference ratings under paragraph (e) of Priorities Regulation 28 for material which is needed to sustain or increase the production of these products. In addition to the rules explained in paragraph (b) below, the general rules in paragraphs (c) and (d) of Priorities Regulation 28 governing the application for and assignment of CC ratings are also applicable. Especially important is paragraph (d) (1) of Priorities Regulation 28, requiring a determination that the use of substitute and less scarce materials is not practicable, that reasonable efforts have been made to get the required item without a rating, and that a rating is required to obtain the item by the latest date and in the minimum quantity practicable after taking into consideration material in inventory and available without a rating.

(b) Explanation of table.

Column I-Critical products. Column I lists the critical products for which CC ratings may be granted to sustain or increase production. When "specialized machinery" for another critical product is listed in Column I, it includes only machinery and equipment designed solely for the production of that critical product. It does not include general types of equipment suitable for other use even though a particular piece of equipment is designed and built expressly for a producer of the critical product.

Column II-Persons eligible. Column II states the persons who may apply for CC ratings. Where Column VI indicates that CC ratings may be assigned for construction,

the builder or contractor may apply instead of the person listed.

Column III—Production materials. (1) If the word "yes" appears in Column III, the CPA may assign CC ratings to the person named in Column II to get production materials needed to make the item listed in Column I regardless of the applicant's minimum economic rate of operation. Where the applicant regularly sells materials as mainte-nance, repair or operating supplies for the item he makes, CC ratings may also be assigned to him for such supplies or for materials needed to make them. Applications for CC ratings for iron castings and steel to make items listed on Direction 18 to PR 28 should be filed as explained in that Direction. Applications for CC ratings for textile fabrics or yarns should be made under Priorities Regulation 28A, and CC ratings may be assigned under paragraph (d) of that regulation in accordance with subparagraph (d)

(2) If the word "no" appears in Column III, CC ratings will be assigned for production materials only as provided in Priorities Regulation 28. The same rule applies to any production materials expressly excluded from Column III.

Column IV-Capital equipment. word "yes" appears in Column IV, the CPA may assign CC ratings to the person named in Column II to get capital equipment which either (i) will result in a substantial increase in production of the item listed in Column I, or (ii) is needed to replace present operating equipment which is in danger of imminent breakdown.

(2) Where the word "no" appears in Column IV, CC ratings will be assigned for capital equipment only as provided in Priorities Regulation 28. The same rule applies to any capital equipment expressly excluded from

Column IV.

Column V—MRO. (1) If the word "yes" appears in Column V, the CPA may assign CC ratings to the person named in Column get maintenance, repair and operating supplies (MRO) which he needs to use in making the item listed in Column I.

(2) If the word "no" appears in Column V. CC ratings will be assigned for MRO only as provided in Priorities Regulation 28.

Column VI-Construction. (1) If the word "yes" appears in Column VI, the CPA may assign CC ratings to the person named in Column II, or to his builder, for material needed for incorporation in new plants or in expanded or modernized old ones where increased production of the item listed in Column I will result, or where the construction is necessary to prevent a loss of produc-

(2) If the word "no" appears in Column VI, CC ratings will be assigned for construction materials only as provided in Priorities Regulation 28.

Note: Table amended Dec. 4, 1946.

1	п	III	IV	V	V1
Critical products	Person eligible	Production materials	Capital equipment	MRO	Construction
leohol (produced from non-food materials):				Diam'r	
Normal butyl alcohol.	Producer	No	Yes	Yes	No.
Industrial ethyl alcohol	do	No	Yes	Yes	No.
Synthetic methanol	do	No	Yes	Yes	No.
sbestos-cement siding shingles and flat sheets (products made from asbestos fibres and cement).	do	No	Yes (except specialized ma- chinery for asbestos-ce- ment siding shingles and	Yes	Yes.
sbestos-cement siding shingle and flat sheet	do	Yes	flat sheets). Yes	Yes	No
specialized machinery.			***************************************	+00	140.
faced roll roofing, mineral surfaced roll roofing, strip and individual asphalt shingles, mineral surfaced insulation board, laminated asphalt felt and mastic coretype boards, saturated felts.	do	No	Yes (except specialized ma- chinery for asphalt and tarred roofing products).	Yes	Yes.
dry roofing felts, and saturated or coated sheathing papers).					MARKET IN
machinery.	do	THE RESERVE OF THE PARTY OF THE	Eliconation and printing account to the	Yes	No.
Boilers, low pressure for residential heating	do	Yes	Yes (replacement only)	Yes	No.
fullders' hardware, of the following kinds only: (a) Butts, hinges and hasps; (b) Door locks and lock trim; (c) Sash, screen and shelf hard- ware; (d) Night latches and deadlocks; (e) Spring hinges; (f) Sash balances and sash pul- leys.	Manufacturer	Yes	Yes (replacement only)	Yes	No.
building board (board made from wood pulp, vegetable fibres, pressed paper stock, or multiple plies of fibred stock).	Producer	No	Yes (except specialized ma- chinery for building board).	Yes	Yes.
Building board specialized machinery	do	Yes	No	Yes	No.
Castings, malleable iron and gray iron, including cast iron soil pipe, cast iron pressure pipe, and railroad car brake shoes.	Producer (foundry)	Yes	Yes	Yes	Yes.
Tement, portland	Producer	Yes	Yes (replacement only) *	Yes	Yes (at existing
Clay building products (common and face brick, clay structural tile and clay sewer pipe).	Manufacturer		Yes (except specialized ma- chinery for clay building products).	Yes	yes.
Clay building products specialized machinery (such as de-airing machines, extrusion heads, clay grinders and pulverizers, and brick presses).	do	Yes	No	Yes	No.
Coal, of the following kinds only: high grade metallurgical and by-product coking coal and double screened domestic coal in the areas comprising Bituminous Producing Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11 and 13 (as defined in SFAW Regulation 27) and the anthracite fields of Pennsylvania.	Producer	No	Yes (except underground Coal mining machinery).	Yes 1	Yes (at presen mines only).
Coal mining machinery, underground	Manufacturer	Vac	Vec	Van	NT-
	dodo	Yes (cinders, burned clay or shale, and blast furnace slag,	Yes (except specialized ma- chinery for concrete build- ing products).	YesYes	

1	п	ш	ıv	V	VI
Critical products	Person eligible	Production materials	Capital equipment	MRO	Construction
Concrete building products specialized machinery (such as concrete block and brick machines and attachments, including concrete mixers and skip loaders as commonly used in the concrete products industry).	Manufacturer	Yes	No	Yes	No.
Finishing lime Furnace pipe, fittings and duct work Furnaces, warm, air, including floor and wall fur-	Producer	Yes	Yes (replacement only) Yes	Yes Yes	Yes. No. Yes.
naces. Gypsum board and gypsum lath	do	No	Yes (except specialized ma- chinery for gypsum board	Yes	Yes.
Gypsum board and gypsum lath specialized ma- chinery.	Producer (mines and smelters)	Yes	and gypsum lath).	Yes	No.
logs.	Producer (any person engaged in felling or bucking trees or transport- ing the yield from felled trees to the points of delivery for manufacture or shipment).	Yes	Yes (except special equip- ment produced only for use in log or sawmill operations).	YesYes	Yes. Yes.
Lumber	Producer (operator of any plant, stationary or portable, which produces lumber not further manufactured than by sawing, resawing, passing lengthwise through a standard planing machine, cross-cutting to length and working, but not including any establishment known in the trade as a "distribution yard", engaged in either retail or wholesale business, even though it may process lumber on special orders from customers).	No	Yes (except special equipment produced only for use in log or sawmill operations).	Yes	Yes,:
Millwork, suitable for housing construction	Producer	No	Yes	Yes	Yes (at existing
Motors, electric, fractional horsepower AO	Manufacturer	Yes (except electric sheet steel).	Yes	Carried Control	Yes.
Penicillin. Pipe fittings, screwed, in the following classes; (a) Gray cast recessed drainage, 2" and under; (b) Gray cast steam fittings, 3" and under (125 lbs. S. W. P.); (c) Malleable fittings including unions, 2" and under (150 lbs. S. W. P.).	Producer	Yes	Yes (replacement only)	Yes Yes	Yes, No.
Plumbing fixtures of the following types in residential-design models only (trim not included): (1) Bathubs. (2) Kitchen sinks, including sink and tray combinations. (3) Lavatories. (4) Laundry trays. (5) Shower stalls, including receptors. (6) Water closet bowls and tanks.	Producer	Yes	Yes	Yes	Yes (at existi plants only)
Plywood, softwood	do	Yes	Yes	Yes	Yes (at existing plants only) No.
over Pulpwood.	do	No	Yes	Yes	Yes.
Radiation, convector and cast fron degisters and grilles for heating systems Rosin	Producer Manufacturer Producer	YesYes	Yes Yes (replacement only) Yes	Yes Yes	Yes. No. Yes.
Rubber: GRI	do	Yes	Yes (replacement only) ³ Yes (replacement only) ³	Yes	Yes.
GRS Reclaimed Steel, electrical high silicon sheet	do	Yes No	Yes	Yes	Yes. Yes. Yes.
treptomycin'itanium dioxide	do	YesYes	Yes Yes	Yes	Yes. Yes.
eneer, softwood	do	No	Yes	YesYes	Yes (at existi
Wire, copper magnet. Wiring devices (electrical) of the following kinds only:	do	Yes (except phenolic resin molding com-	Yes (except specialized ma- chinery for wiring devices).	Yes	Yes. No.
(1) Sockets, lampholders, and lamp recepta- cles—medium screw base types—lighting fax- tures and portable lamps not included. (A lamp- holder consists of a socket and a housing (gener- ally one-piece) which attaches directly to a ceiling or wall outlet, without intervening sus- pending or protruding devices. It may be de- signed so that shades and other similar appur- tenances may be attached, but, in that event.		resin molding com- pound; see Schedule 121 to Order M-300).			
the appurtenances are not part of the lampholder itself.) (2) Convenience receptacles (outlets)—types suitable for residential use.					
(3) Toggle switches—types designed specifi- cally for tools and appliances not included. (4) Wall and face plates. (5) Outlet and switch (or receptacle) boxes— types suitable for residential use—including				-	
covers, nangers, supports and clamps. This only includes outlet boxes of 5-inch size or smaller, and switch (or receptacle) boxes commonly known as "gem" boxes. (6) Box connectors for residential-type metal-					
lic or nonmetallic-sheathed cable.	Producer	No	Yes (except specialized machinery).	Yes	Yes (expansi of existin
Woodworking machinery, including power driven saw blades and saw bits, for the production of logs, lumber, milwork, flooring and plywood.	,do	Yes	Yes	Yes	plants only)

CC ratings will be assigned for special repair parts for underground coal mining machinery only where the repair part is essential for the continued operation of the mine and then only where it will not interfere with delivery of mining machinery for more essential purposes.

2 CC ratings for construction for logs, lumber, and pulpwood will be assigned only for construction at existing plants or at plants which need to be relocated because of increased availability of timber, manpower or transportation facilities.

3 Additional equipment only for increased production of Petroleum Butadiene.

4 CC ratings will be assigned for capital equipment to increase production of portland cement only in areas where the CPA finds that the degree of local shortage is materially greater than the degree of national shortage.

Issued this 4th day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secreary.

[F. R. Doc. 46-21285; Filed, Dec. 4, 1946; 11:11 a. m.]

PART 1010—Suspension Orders [Suspension Order S-1042]

MORRIS S. KALLISON

Morris S. Kallison, at 124 S. Flores Street, San Antonio, Texas, on May 4, 1946, filed an application with the local District Construction Office of the Civilian Production Administration for authorization to construct a three story building at 235 Dwyer Avenue, San Antonio, Texas, which was later withdrawn and on May 18, 1946, another application filed for a two story building at the same location was approved. In spite of this, the construction began and continued of a three story building at an estimated cost of \$113,000 without authorization of the Civilian Production Administration and in violation of Veterans' Housing Program Order 1. This violation has diverted scarce materials to uses not authorized by the Civilian Produc-tion Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1042 Suspension Order No. S-1042. (a) Neither Morris S. Kallison, his successors or assigns, nor any other person shall do any further construction on the third floor of the building located at 235 Dwyer Avenue, San Antonio, Texas, including putting up, completing or the altering of that part of the structure unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Morris S. Kallison shall refer to this order in any application or appeal which he may file with the Civilian Production Administration for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Morris S. Kallison, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions

Issued this 3d day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21270; Filed, Dec. 3, 1946; 4:41 p. m.]

PART 1010—SUSPENSION ORDERS [Suspension Order S-1043]

KEYSTONE STORAGE BATTERY CO.

Benjamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky, Partners, doing business as Keystone Storage Battery Company at 203 Winter Street, Saugus, Massachusetts, are engaged in the manufacture of automotive SLI type storage batteries. The Keystone Storage Battery Company is charged by the Civilian Production Administration with having consumed lead in excess of its authorized quotas as follows: During the third quarter of 1945, 20.5 tons of lead in excess of the authorized quota were used. During the fourth quarter of 1945, 27.4 tons of lead in excess of the authorized quota was used. During the first quarter of 1946, 10 tons of lead less than the authorized quota was used, thereby reducing the above stated excess use of lead for the quarters mentioned to a total of 37.9 tons. The use of the above stated amounts of lead in excess of authorized quotas for the periods stated constitute a violation of paragraph (c) of General Preference Order M-38 as amended June 25, 1945, October 3, 1945, and as subsequently amended. During the pe-riod January 1, 1945 through March 25, 1946, Benjamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky failed to make and preserve a written record of their 1944 base period use of lead and to keep reasonably adequate records of lead consumed, and also failed to make the required reports of purchases, consumption and inventory of lead on Forms WPB-95 and CPA-95 in violation of Priorities Regulation 1 and General Preference Order M-38. All of these violations were wilful and have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1043 Suspension Order No. S. 1043. (a) During the fourth quarter of 1946, Benjamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky shall reduce their use of lead in the manufacture of automotive SLI type storage batteries for replacement purposes by using at least 8.9 tons less than the quota they would otherwise be entitled to use during this quarter under the provisions of Order M-38, unless otherwise authorized in writing by the Civilian Production Administration.

(b) During the first and second quarters of 1947, Benjamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky shall reduce their use of lead in the manufacture of automotive SLI storage batteries for replacement purposes by using in each of these quarters at least 14.5 tons less than the quota they would otherwise be entitled to use during that quarter under the provisions of Order M-38, unless otherwise authorized in writing by the Civilian Production Administration.

(c) Bejamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky shall refer to this order in any application or appeal which they may file with the Civilian Production Administration dealing with their use of lead during the period of this order.

(d) Nothing contained in this order shall be deemed to relieve Benjamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and provisions contained herein shall apply to Benjamin Yanofsky, Israel Yanofsky, and Samuel Yanofsky, doing business as Keystone Storage Battery Company, their successors or assigns or persons acting in their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 3d day of December 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-21267; Filed, Dec. 3, 1946; 4:41 p. m.]

Chapter XI—Office of Price Administration
PART 1305—ADMINISTRATION
[SO 40, Amdt. 1 (§ 1305.54)]

EFFECT OF REPEAL, REVOCATION, AMENDMENT OR OTHER MODIFICATION OF PRICE REGULA-TIONS AND EXEMPTION OR SUSPENSION FROM PRICE CONTROL OF COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

The title to Supplementary Order 40 is amended to read as set forth above.
 Section 1305.54 is amended to read as follows:

§ 1305.54 Effect of repeal, revocation, amendment or other modification of price regulations, and exemption or suspension from price control of commodities. (a) The repeal, revocation, amendment or other modification of a price regulation or any part thereof or the exemption or suspension from price control of any commodity shall not be deemed to release or extinguish any right, penalty, obligation or liability incurred under the applicable price regulation prior to its repeal, revocation, amendment or modification or prior to the time the commodity was exempted or suspended from price control but such regulation or part thereof shall be treated as remaining in force for the purpose of allowing or sustaining any proper suit, action, prosecution or proceeding with respect to such

right, penalty, obligation or liability.
(b) Despite the repeal, revocation, amendment or other modification of any price regulation or of any part thereof, or the exemption or suspension from price control of any commodity, every such price regulation and any price regulation applying to such commodity, shall be deemed to remain in full force and effect so far as may be necessary to enable the Price Administrator or any person whom he may designate to exercise the right to issue any amendment, modification, order or interpretation with respect to any price regulation (including but not limited to the issuance of orders establishing, specifying or revising maximum prices) with respect to any commodity sold prior to such repeal, revocation, amendment or other modification or exemption or suspension from price control of such commodity, whenever such action is deemed appropriate by the Administrator.

(c) The term "price regulation" means a price schedule effective in accordance with section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, temporary maximum price regulation, supplement or order, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

This amendment shall become effective December 9, 1946.

Issued this 4th day of December 1946.

PAUL A. PORTER, Administrator.

Statement of the Considerations Accompanying Amendment No. 1 to Supplementary Order No. 40

The accompanying amendment to Supplementary Order No. 40 revises the provisions of the order to provide expressly that the revocation, amendment or other modification of a price regulation or the exemption or suspension from price control of any commodity is not deemed by the Price Administrator to have the effect of extinguishing the Administrator's right to issue any amendments, modifications, orders or interpretations with respect to any price regulation (including but not limited to the issuance of orders establishing, specifying or revising maximum prices) whenever such action is deemed appropriate. The amendment also makes it clear that the exemption or suspension from price control of a commodity is not deemed to have the effect of releasing or extinguishing any right, penalty, obliga-tion or liability incurred under the applicable regulation during the period that the commodity was subject to price control.

The amendment is issued for clarification purposes to call sellers' attention to the fact that under the provisions of the law price regulations which have been repealed, revoked, amended, modified or rendered inoperative because of the exemption or suspension from price control of the commodities or services covered therein, remain in force for the purpose of allowing or sustaining any proper suit, action, prosecution or proceeding with respect to any right, penalty, obligation or liability incurred under such regulation while in force. The Supreme Court of the United States in U. S. vs. Hark and Yaffe (U. S. Supreme Court; 1/3/44; 320 U.S. 531) in holding that the revocation of a regulation did not prevent an indictment for violation of its provisions at a time when it was in force said "Revocation of a regulation does not repeal the statute; and though the regulation calls the statutory penalties into play, the statute, not the regulation creates the offense and imposes punish-ment for its violation." The Price Administrator has consistently taken the position that regulations rendered inoperative for any reason are deemed to remain in force for the purpose of sustaining necessary actions or proceedings with respect to rights, penalties or liabilities incurred during the period that the regulation was in force and the accompanying amendment is issued for the purpose of calling sellers' attention to the fact that regulations remain in force for the purposes indicated.

Frequently it becomes necessary for the Price Administrator or some person whom he may designate to issue an amendment, modification, order or interpretation in connection with a price regulation which may have been revoked or otherwise rendered inoperative. The need to issue orders establishing, specifying or revising maximum prices may arise for example where a seller who although required to do so has failed to apply for authorization of a meximum price under the provisions of the appropriate regulation, or who may have failed to report a maximum price which was subject to revision by the Office of Price Administration. The Price Administrator has issued such amendments, modification, interpretations or orders in the past and has taken the position that the right to take such retrospective action is inherent in the rights and obligations which are imposed upon him under the The new paragraph (b) which is added to Supplementary Order No. 40 expressly provides for the retention in the Price Administrator of the right to issue such amendments, modifications, interpretations or orders. It is added for the purpose of calling sellers' attention to the rights which the Price Administrator has in this respect.

As stated in the statement of considerations accompanying the original issuance of Supplementary Order No. 40, the purpose of this amended order is not to change the practice or intention of the Office of Price Administration but to clarify the intention and to answer questions that have been asked as to the effect of such repeal, revocation, amendment or other changes.

[F. R. Doc. 46-21286; Filed, Dec. 4, 1946; 11:11 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 11,1 Order 3]

PART 8311-PROCEEDS AND EXPENSES

USE OF SURPLUS PROPERTY BY DISPOSAL AGENCIES

Surplus Property Administration Revised Special Order 22, March 15, 1946, entitled "Use of Surplus Property by Disposal Agencies" (11 F. R. 2933), is hereby redesignated as War Assets Administration Regulation 11, Order 3, and is hereby revised and amended as herein set forth,

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265), it is hereby ordered, that:

§ 8311.53 Use of surplus property by disposal agencies—(a) Permits. Property declared surplus to a disposal agency may be used by such disposal agency or

any other disposal agency to carry out its responsibilities under the Surplus Property Act hereinafter set forth. The use of such property by a disposal agency other than that to which the property was declared surplus may be authorized by the issuance of a permit by the disposal agency responsible for the disposition of the property. No rental or other consideration for the use of such property need be imposed other than the obligation of the agency receiving the permit to maintain, preserve, and protect the property, to return it to the appropriate disposal agency when no longer required for the purposes of carrying out its functions under the act, and, in the case of personal property, to take delivery at the place where the property is located and to return it to the place and in the manner specified by the disposal agency. Such permits shall be revocable upon reasonable notice in writing by the disposal agency issuing the permits or by direction of the War Assets Administrator.

(b) Types of property covered. This order applies to both real and personal surplus property except expendable items, property consumed in use, and items costing less than five dollars (\$5.00).

(c) Limitations. Only such surplus property may be used by a disposal agency hereunder as may be authorized by the head of the disposal agency or by such responsible officials as the head of

the agency may designate.

(d) Records and reports. Disposal agencies shall prepare and maintain complete records showing the property and the fair value of the property which has been declared to them as surplus and (1) which is either being used by them to carry out their responsibilities or (2) which is covered by permits issued by them to other disposal agencies. In submitting to the Administrator statements of expenditures and obligations under § 8311.8, each disposal agency shall include a statement setting forth the general categories of such property (such as administrative equipment, motor vehicles, care and handling equipment and real property) so being used at the beginning of the preceding month. the fair value of such categories, and the net changes since the previous report.

This order shall become effective December 5, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

NOVEMBER 27, 1946.

[F. R. Doc. 46-21294; Filed, Dec. 4, 1946; 11:54 a. m.]

[Reg. 4,1 Amdt. 1 to Order 4]

PART 8304—DISPOSAL OF AIRCRAFT AND COMPONENTS AND PARTS OF AIRCRAFT

PRICE LIST FOR EDUCATIONAL AND PUBLIC-HEALTH INSTITUTIONS OR INSTRUMEN-TALITIES

War Assets Administration Regulation 4, Order 4, January 31, 1946, (11 F. R.

¹¹¹ F. R. 636, 1990, 5355.

¹¹¹ F. R. 5868.

1471) entitled "Price List for Educational and Public Health Institutions or Instrumentalities" is hereby amended by changing the items appearing under the caption "Test Equipment—Laboratory Test" in Exhibit A.

Stock No.	Test equipment— Laboratory test	Approximate shipping weight (pounds)	Disposal cost
57-2213	Ammeter, portable	5	\$2.00
57-8801	Chamber assembly, in-		111111111111111111111111111111111111111
0.	strument test	100	10.00
57-8802	Manometer assembly	10	1.00
57-2220	Milliammeter, portable	.5	2,00
57-8803	Panel assembly, instru-		S. america
	ment test	500	30.00
57-2720	Potentiometer	5	2,00
57-8804	Rotameter-Hydraulic		
	test	120	10.00
57-5300	Tachometer	5	1.00
57-5302	Tester-Airplane ther-	1 30	10207
	mometer	15	2.00
57-5301	Tester-Airplane pilot	90	10.00
57-5303	Tester-Autosyn instru-	927	1
	ment	50	7.00
57-5304	Tester-Cable ignition	25	5.00
57-5305	Tester-Fuel injector	10	2.00
57-1190	Thermometer	5	1.00
57-2113	Voltmeter, portable	5 5	2.00
57-2115	Voltohmmeter, portable		2.00
32-1941	Dynamometers	9,000	100,00
57-9900	Instrument panels, engine test cell.	1,000	150.00
57-6990	Aircraft laboratory engine test cell	To be de	termined.

This amendment shall become effective December 6, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

NOVEMBER 30, 1946.

[F. R. Doc. 46-21298; Filed, Dec. 4, 1946; 11:55 a. m.]

[Reg. 9,1 Revocation of Order 2]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

FORMS FOR REPORTING CONTRACTOR IN-VENTORY AND DISPOSALS BY OWNING AGENCIES

Surplus Property Administration Regulation 9, Order 2, July 3, 1946, entitled "Forms for Reporting Contractor Inventory and Disposals by Owning Agencies" (11 F. R. 7619), is hereby revoked and rescinded.

This revocation shall become effective November 30, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

NOVEMBER 30, 1946.

[F. R. Doc. 46-21293; Filed, Dec. 4, 1946; 11:54 a. m.]

[Reg. 9,1 Order 7]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

DISPOSAL OF AERONAUTICAL SPECIAL TOOLING
IN GOVERNMENT-OWNED PLANTS

War Assets Administration Special Order 17, July 15, 1946, entitled "Disposal of Aeronautical Special Tooling in Government-Owned Plants" (11 F. R. 7774), is hereby redesignated as War Assets Administration Regulation 9, Order 7, and is hereby revised and amended as herein set forth.

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265), it is hereby ordered, that:

§ 8309.57 Disposal of aeronautical special tooling in Government-owned plants—(a) Definitions. (1) "Facilities contract" means a lease, rental agreement or other contract or contract provision, specifically governing the acquisition, use, or disposition of Government-owned machinery, tools, building installations, or other property furnished to or acquired by a war contractor for any war production purpose except incorporation in end products.

(2) "Special tooling" means equipment of such special design that it has apparent value only as scrap except in the manufacture of the particular product which such equipment was specifically designed to produce; it includes only jigs, dies, fixtures, gauges, moulds, and similar equipment and as used in this section is limited to such equipment as was designed for the manufacture of aircraft including its components and parts.

(b) Scope. This section is issued under the authority of section 14 (a) of the Surplus Property Act, relating to contractor inventory. Notwithstanding the provisions of § 8309.2 of this part, it applies only to Government-owned special tooling that is located in Government-owned plants which are being operated by private contractors pursuant to facilities contracts.

(c) Owning agencies empowered to authorize retentions or disposals of special tooling. The Administrator hereby empowers each owning agency to authorize any contractor with such agency or subcontractor thereunder that is in possession of any special tooling to retain or sell such property as provided in this order. Retentions or sales may be made hereunder at any time before the owning agency takes possession of special tooling. Nothing herein affects the authority of owning agencies to sell small lots, scrap, or salvage in accordance with other provisions of this part.

(d) Retentions by contractors for own use. (1) Retentions of special tooling by contractors in possession shall be made by negotiated sale and at prices that are fair and reasonable, taking into consideration its special value to the purchaser, acquisition cost to the Government, and replacement cost to the contractor, as well as any proceeds that might be expected to be obtained if the property were offered for sale at such time.

(2) There shall be obtained with each retention under this paragraph a written representation from the contractor that (i) he is acquiring the property for immediate or eventual use in his production; (ii) that he is not retaining it for the purpose of reselling it directly or indirectly at a profit; and (iii) that, except

for licenses granted to the Government, no third person is licensed to manufacture the product which such special tooling was specifically designed to produce; or that if such third persons have been so licensed, they have stated in writing that they do not wish to acquire the property on the same terms being offered to the contractor.

(3) In any case where special tooling is, in accordance with the terms of a facilities contract, in the possession of a subcontractor or sublessee, such subcontractor or sublessee shall for the purpose hereof be considered as the contractor in possession. If such subcontractor or sublessee shall state in writing that he does not desire to acquire the special tooling, the contractor holding the covering facilities contract may be permitted to retain the property under a negotiated sale as herein provided.

(4) Retentions of special tooling by a contractor not for his own use but for later resale shall be treated as sales and shall be governed by the requirements of

the following paragraph.

(e) Sales by contractors. All sales by contractors shall be made on the basis of competitive bidding through sealed bids or at auction at the discretion of the owning agencies and under rules and regulations prescribed by the owning agencies. Such rules and regulations shall contain, among other provisions, the following requirements:

1. The determination of lots shall be subject to approval by the owning

agency.

(2) The owning agency shall set an upset price on each lot at which figure the bidding on each lot shall be started.

(3) The right shall be reserved by the owning agency to reject all bids.

(4) Notice shall be given by publication to all possible interested purchasers indicating the special tooling that will be available for sale, naming a date not less than fourteen (14) days from the time of first publication when the bidding will be closed or when the auction will be held, and giving the upset price on each lot.

(5) If no acceptable bid to purchase is received and the property cannot be disposed of within, a reasonable period of time on the terms stated in this paragraph, it may be sold by the contractor at the best price obtainable to any buyer who will use the property in the United States for manufacturing, maintenance, or repair purposes. Sales prices shall be determined on a basis that is fair and reasonable, taking into consideration the limited sale value of the property, its special value, if any, to the purchaser, upset prices and any bids received. In connection with such sale there shall be obtained from the buyer a written representation that he intends to use the property and that he is not purchasing it for the purpose of reselling it at a profit.

(f) Assistance from disposal agencies. The owning agency may request the advice and assistance of the appropriate disposal agency in setting upset prices and in determining acceptable sale prices. At the discretion of the owning agency, auctions and sales authorized hereunder may be combined with auc-

¹⁰ F. R. 12961, 14966; 1f F. R. 3691, 10221.

tions and sales authorized under § 8306.7 of Part 8306.

This order shall become effective December 5, 1946.

> ROBERT M. LITTLEJOHN. Administrator.

NOVEMBER 27, 1946.

[F. R. Doc. 46-21297; Filed, Dec. 4, 1946; 11:55 a. m.]

[Reg. 14,1 Amdt. 1 to Order 6]

PART 8314-DISPOSAL TO NONPROFIT INSTI-TUTIONS AND DISCOUNTS FOR EDUCA-TIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

DISPOSAL OF INSTRUCTIONAL EQUIPMENT TO EDUCATIONAL INSTITUTIONS AND INSTRU-MENTALITIES

War Assets Administration Regulation 14, Order 6, October 4, 1946, entitled "Disposal of Instructional Equipment to Educational Institutions and Instru-mentalities" (11 F. R. 11704) is hereby amended by adding to Exhibit A of § 8314.56 the following additional classification:

EQUIPMENT FOR CAFETERIAS, KITCHENS, AND DINING ROOMS

Standard commodity classification

32 8400 Kitchen cooking appliances.
32 8500 Food preparation appliances, house-hold and commercial.

51 6000 Cooking and warming equipment, commercial, except electric. 52 2000 Household mechanical refrigerator

units (16 cu. ft. or less, self-contained)

52 3200 Commercial reach-in refrigerators, mechanical.

Refrigerators, ice, household. 52 8100 52 8220 Ice refrigeration units, reach-in refrigerators.

Cooking and kitchen utensils, household and commercial. 75 1100

Kitchen tools, except cutlery.

Table and kitchen cutlery, house-hold and institutional. 75 1300 75 4100

75 4200 Food processing cutlery.

This amendment shall become effective November 26, 1946.

> ROBERT M. LITTLEJOHN, Administrator.

NOVEMBER 26, 1946. -

[F. R. Doc. 46-21296; Filed, Dec. 4, 1946; 11:55 a. m.]

[Reg. 12,3 Revocation of Rev. Order 1]

PART 8312-ALUMINUM SCRAP

REPORTS OF ALUMINUM SALES AND INVENTORY

Surplus Property Administration Regulation 12, Revised Order 1, March 27, 1946, entitled "Reports of Aluminum Sales and Inventory", (11 F. R. 3416) is hereby revoked and rescinded.

This revocation shall become effective November 30, 1946.

> ROBERT M. LITTLEJOHN, Administrator.

NOVEMBER 30, 1946.

[F. R. Doc. 46-21292; Filed, Dec. 4, 1946; 11:54 a. m.]

[Reg. 221

PART 8322-PRICING AND DISTRIBUTION POLICY FOR CONSUMER GOODS

Surplus Property Administration Revised Special Order 24, March 16, 1946 (11 F. R. 3075), entitled "Pricing and Distribution Policy for Consumer Goods, as amended to October 1, 1946 (11 F. R. 9094, 11381) is hereby redesignated as War Assets Administration Regulation 22 and is further revised and amended as herein set forth:

8322,1 Definitions.

8322.2 Scope.

8322.3 Basic policy.

8322 4 Use of methods of sale.

Pricing policy.

Maximum quantities. 8322.5 8322.6

8322.7 Minimum quantity for retailers.

8322.8 Minimum quantity for wholesalers, 8322.9 Discount for certain large retailers, 8322.10 Preference to small buyers.

8322.11 Conditions for certain classes of pur-

chasers.

8322.12 Exclusive sales to one purchaser. 8322.13 Competitive bidding.

AUTHORITY: §§ 8322.1 to 8322.13 inclusive, issued under the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265).

§ 8322.1 Definitions—(a) Terms defined in act. Terms not defined in paragraph (b) which are defined in the Surplus Property Act of 1944 shall in this part have the meaning given to them in

(b) Other terms. (1) "Reviewing authority" means a local, regional, or departmental board of review of a disposal agency; it may consist of one or more persons.

§ 8322.2 Scope. This part applies to disposals made by disposal agencies in the continental United States, its territories and possessions, of surplus personal property, other than agricultural commodities and foods processed from agricultural commodities,1 and other than production materials and production equipment subject to the provisions of Part 8321.2 With the exception of § 8322.13 (c) it shall not apply to disposals to priority claimants pursuant to the provisions of Part 8302 and disposals to nonprofit institutions and instrumentalities pursuant to the provisions of Part 8314.4

§ 8322.3 Basic policy. The Congressional policy announced by the Surplus Property Act of 1944 is to foster wide distribution of surplus commodities to consumers at fair prices, utilizing normal channels of trade in such manner as to strengthen and preserve the competitive position of small business concerns. This part is intended to implement that

*Reg. 14 (11 F. R, 11505).

policy with respect to consumer goods and shall be administered accordingly.

§ 8322.4 Use of methods of sale. (a) Generally, fixed price sales shall be used in preference to all other methods. The fixed price method of sale shall be used when property is in unused condition, is available in inventory in large quantities, and is either a standard commercial item or is readily marketable; and may be used whenever property, either used or unused, can best be moved

by this method.

(b) The competitive bid method of sale may be used where the property is a nonstandard commercial item, or is of unknown marketability, or is available only in mixed lots or small quantities, or when rapid clearance of a site is neces-In addition, except as to property subject to the fixed price provisions of Part 8313,5 the competitive bid method may be used in disposing of property which remains in inventory after a full and adequate offering has been made at fixed prices to priority claimants and to the appropriate trade levels, and in the areas in which such property is normally purchased. The competitive bid method includes the use of sealed bids, open bids, and public auctions.

(c) Negotiated sales may be used: (1) When the proposed purchasers can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing, more economically and effectively than the disposal agency or others;

(2) When the property is such a hazard to health and property as to require

immediate disposition:

(3) When the property will spoil or deteriorate so rapidly as to jeopardize any disposal unless immediately sold;

(4) When the property is to be sold to a foreign government at the request of the State Department.

§ 8322.5 Pricing policy. (a) In fixed price sales prices shall be established at a level which will be attractive enough to move the property and compensate for any unusual features of the property which may add to the difficulty of reselling. The price levels shall be established by the disposal agency as to each kind of property to be sold. Surplus consumer goods shall be priced by the disposal agency to effectuate orderly and prompt disposal, giving due consideration to the kind, quantity, condition, and value of each item at the time of the offering. Fixed prices may be higher or lower than the acquisition cost to the Govern-

(b) In general, prices shall be set for two levels of trade-wholesale and retail. The differential between those prices should correspond to the differences in the cost of distributive functions performed. In those instances where it is not feasible or customary to offer a commodity to two levels of trade, a uniform price may be set for all purchasers; for example, such instances may occur where a commodity normally moves predominantly from the manufacturer to wholesalers and industrial users, and not through retail outlets, or may occur

¹ 11 F. R. 11505.

² SPA Reg. 6 (10 F. R. 14521; 11 F. R. 1893), ³ 10 F. R. 12559; 11 F. R. 3302,

¹Such commodities and foods are subject to the provisions of the "Statement of Policies on Disposal of Surplus Agricultural Commodities and Surplus Foods Processed Therefrom" issued by the War Food Ad-ministrator, March 30, 1945 (7 CFR 45 Supp., Chap. XIII Part 1700; 10 F. R. 7900).

Reg. 21 (11 F. R. 7134, 9080, 11381, 12017).

Reg. 2 issued Nov. 27, 1946.

⁶ Reg. 13 (11 F. R. 3203),

in connection with the clearance of depots, warehouses, ships, or command installations.

(c) Discounts may be granted on the disposal of surplus property only (1) when different price levels are established in order to compensate for the services rendered in the distribution of property to the various levels of trade; or (2) when a discount is granted pursuant to the provisions of Part 8302 to compensate the Treasury Department for performing distributive services for a disposal agency; or (3) when a discount is granted pursuant to the provisions of Part 8314 to reflect the benefit which has accrued or may accrue to the United States from the use of surplus property by educational or public health institutions or instrumentalities. No other discounts shall be given, and there shall be no graded discounts within the same class of purchasers. Discounts may not be granted for volume purchases in any case for any item.

(d) In fixed price sales, whenever the available quantity of surplus property is insufficient to satisfy the requirements of eligible purchasers, all purchase orders submitted by affiliated persons, firms, or corporations, or by groups thereof under common ownership or control for the same type of property in a single sales offering shall be treated as a

single purchase order.

§ 8322.6 Maximum quantities. In all methods of sales the maximum quantity which should be offered for sale by the disposal agency to any one purchaser should to the extent feasible be a quantity which will assure wide distribution of the available property. Such maximum quantities shall be established in all cases where it reasonably may be expected that the total demand will exceed the supply offered for sale within the area in which the offering is made.

§ 8322.7 Minimum quantity for retailers. In fixed price sales, the minimum quantity which should be offered for sale by the disposal agency should to the extent feasible be a quantity which will enable small independent retailers to participate. Such minimum quantities may be larger when (a) large quantities of merchandise are packaged in military cartons and it would be uneconomical to repackage the property to provide for sales in smaller quantities, or (b) it is necessary to consolidate several packages in order to assure an equitable or appropriate distribution of the size range of the property.

§ 8322.8 Minimum quantity for wholesalers. In fixed price sales to two trade levels, a larger minimum quantity applicable to the wholesale trade should be offered to wholesalers of the commodity offered who agree to use their best efforts to sell to small independent retail establishments. This minimum quantity may be less than the minimum quantity offered to large retailers pursuant to § 8322.9. The price to the wholesaler should be such as to compensate for the distributive function to be performed by the wholesaler, taking into consideration the type of goods, the turn-over potential, the cost of care and handling, the value, and the quantity available. In order to qualify for a price discount authorized by this paragraph as compensation for the distributive function to be performed, each order from a wholesaler shall bear a certificate signed by such wholesaler in the following form:

It is hereby certified that the purchaser is and expects to continue to be engaged in the wholesale business normally distributing goods, wares, and merchandise similar to those specified on this order to retailers and other wholesale customers, and that in consideration of the receipt of the wholesaler's discount on the purchase of surplus property from the United States, in accordance with the War Assets Administrator's pricing and distribution policy, the purchaser agrees to use his best efforts to sell such property to small independent retailers.

§ 8322.9 Discount for certain large retailers. Certain large retailers, including chain stores and mail order houses, normally purchase in quantities far in excess of those purchased by the small retailer and small wholesaler. facilitate the disposal of consumer goods. and thereby to protect the interest of the Government in such goods, and in recognition of the fact that retailers who buy in large quantities usually perform an Intermediate distributive function in the movement of the goods to the consumer level, such disposals should, in fixed price sales, generally be made at a discount of not more than five (5) percent from the price to small retailers. The minimum quantity subject to this discount shall be specified in the offering.

§ 8322.10 Preference to small buyers. In fixed price sales when the total supply of a commodity is less than the amount ordered, consideration shall be given to the needs of other purchasers before large quantities are sold to one or a few purchasers. Precedence shall be given to orders received from small retailers and from wholesalers who furnish the certificate required under § 8322.8.

§ 8322.11 Conditions for certain classes of purchasers. The following conditions shall be observed for the classes of purchasers specified below:

(a) Manufacturers who perform the distributive functions of serving small independent retailers may buy as wholesalers in fixed price sales, subject to the rules applicable to purchases made by wholesalers.

(b) Wholesalers and manufacturers who own, operate, or control retail stores are required to buy as retailers in fixed price sales for their company-owned or controlled retail stores.

(c) Buying offices of associated groups of retail stores operated on the voluntary chain system of buying will buy as re-

tailers in fixed price sales.

(d) Commercial exporters and purchasing commissions representing foreign governments shall be permitted to participate on the same level as wholesalers in fixed price sales, except that items in critically short supply in the domestic economy may not be available to them for export.

(e) Cooperative organizations shall be permitted to participate in fixed price sales of consumer goods at the same time and under the same conditions as other commercial enterprises. In determining the level of trade at which a particular cooperative organization will buy, consideration should be given solely to its functions as a wholesaler or retailer and not the features of cooperative ownership.

(f) Industrial users, i. e., manufacturing or commercial enterprises of a class which normally purchases property for its own use and not for resale shall be permitted to participate in fixed price sales at the retail level, or at the wholesale level (at the minimum quantity specified in § 8322.8) if such class customarily buys from manufacturers at the same price as wholesalers, Provided, That in either case the property so purchased is not resold in its present form except after incorporation into an end product. Orders of commercial and industrial purchasers shall be filled in accordance with § 8322.10 after retailers and wholesalers who serve small retailers.

(g) Purchasing agents (including resident buyers, commission men, brokers, and other agents) who perform the purchasing function for the principals they represent, shall be permitted to participate in disposals of surplus property. Sales made through these agents shall be made only in the name of the principal they represent and in fixed price sales at the level of distribution of the principal. Such agents shall be required to present a written authorization from the principal for each purchase.

(h) All purchasers who may participate in fixed price sales shall also be eligible to acquire property offered by

any other method.

(i) Ultimate consumers (persons who buy for their own personal use) are not ordinarily expected to purchase surplus property directly from the disposal agency except when such property is offered in suitable lots or units under circumstances which will not complicate the work of disposal, or where sales to ultimate consumers, for example through rural farm auctions, would be more effective than offerings by other methods. Sales to ultimate consumers or to any other purchasers who are not normal trade channels may be made in any quantity and by any method of sale after it has been clearly established that the property will not move through normal channels.

§ 8322.12 Exclusive sales to one purchaser. It is contrary to general policy to sell any item of surplus property exclusively to one purchaser (including the original vendor or manufacturer). Exceptions may be taken to this rule only when:

(a) It is necessary in order to protect public health or public safety, or

(b) The exclusive purchaser can perform certain functions necessary to make the property salable, such as repairing, rehabilitating, sorting, grading, or testing more economically and effectively than the disposal agency or others.

§ 8322.13 Competitive bidding. (a) Whenever the competitive bid method of sale is employed, an upset price shall be established representing the tentative estimate of the disposal agency as to what may be the fair value of the prop-

erty. The amount of the upset price shall not be disclosed in the offering nor in any other way to any person not in the employ of the disposal agency. If all or some bids received are lower than such upset price, the disposal agency may reject the bids below the upset price, or with the approval of a reviewing authority, may accept them. The unsold balance may be reoffered with the same or a lower upset price.

(b) No certificate or other finding shall be required that the property offered for sale by competitive bidding is scrap or salvage. No scrap warranty shall be required of the purchaser except in cases where the disposal agency finds that the property is dangerous to public health or safety.

(c) Whenever property which has not previously been offered for sale to priority claimants at fixed prices is offered for sale by competitive bidding, a reserve of such property shall be established to meet the anticipated requirements of priority claimants. The competitive bid offering shall be made simultaneously to priority claimants and to non-priority purchasers, and the lowest acceptable bid by such non-priority purchasers shall be regarded as fair value for priority claimants. Any property so reserved which remains after filling the legitimate requirements of priority claimants shall be used to fill the requirements of acceptable non-priority bidders.

This part shall become effective December 6, 1946.

> ROBERT M. LITTLEJOHN, Administrator.

NOVEMBER 30, 1946.

[F. R. Doc. 46-21295; Filed, Dec. 4, 1946; 11:54 a. m.]

[Reg. 9,1 Order 6]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

ATTACHMENTS TO MACHINES AND MACHINE
TOOLS OWNED BY RECONSTRUCTION FINANCE CORPORATION

Surplus Property Board Revised Special Order 12, August 7, 1945 entitled "Attachments to Machines and Machine Tools Owned by Reconstruction Finance Corporation", (10 F. R. 9945) is hereby redesignated as War Assets Administration Regulation 9, Order 6, and is hereby revised and amended as herein set forth.

Pursuant to the authority of the Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Executive Order 9689 (11 F. R. 1265), it is hereby ordered, that:

§ 8309.56 Attachments to machines and machine tools owned by Reconstruction Finance Corporation. In accordance with section 13 (b) of the Surplus Property Act, any owning agency may transfer to Reconstruction Finance Corporation without reimbursement attachments which are attached to machines

or machine tools owned by Reconstruction Finance Corporation, in any case where a responsible officer of the owning agency determines that such attachments have no commercial value separate from the machines to which they are attached, or that the cost of care and handling and disposition of such attachments separate from the machines to which they are attached would exceed the estimated proceeds of disposition.

This order shall become effective December 5, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

NOVEMBER 27, 1946.

[F. R. Doc. 46-21299; Filed, Dec. 4, 1946; 11:55 a. m.]

TITLE 46-SHIPPING

Chapter II—United States Maritime Commission

PART 223-BILL OF LADING REQUIREMENTS

CROSS REFERENCE: For notice of proposed rule making under this part see F. R. Doc. 46-21193, United States Maritime Commission, in Notices section, infra.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—Rules Relating to Organization and Practice and Procedure

DELEGATION OF AUTHORITY TO CHIEF ENGINEER

The Commission, on November 21, 1946, adopted the following footnote to paragraph (n) of § 1.121 Authority delegated to Chief Engineer:

By action of the Commission November 21, 1946, the Engineer in Charge at Honolulu is authorized to issue Special Temporary Authorizations for a term of 30 days to cover the operation of government surplus aircraft from Hawaii to the United States.

(Pub. Law 404, 79th Cong.; 60 Stat. 238)

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-21195; Filed, Dec. 4, 1946; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations [S. O. 221, Amdt. 3]

PART 95-CAR SERVICE

UTILIZATION OF ROUGH BOX CARS FOR LOADING SHINGLES FROM OREGON AND WASHINGTON

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of December A. D. 1946.

Upon further consideration of the provisions of Service Order No. 221 (9 F. R. 9296) as amended (9 F. R. 8188; 11 F. R. 8452), and good cause appearing therefor: it is ordered, that:

Section 95.221, Utilization of rough box cars for loading shingles from Oregon and Washington, of Service Order No. 221, as amended, be, and it is hereby, further amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) This order, as amended, shall expire at 11:59 p.m., April 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order shall become effective 12:01 a.m., December 5, 1946; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 46-21231; Filed, Dec. 4, 1946; 8:47 a. m.]

[Rev. S. O. 534, Amdt. 1] PART 95—CAR SERVICE

MOVEMENT OF EMPTY CARS; APROINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of December A. D. 1946.

Upon further consideration of Revised Service Order No. 534 (11 F. R. 9454), and good cause appearing therefor: it is ordered, that:

Section 95.534, Movement of empty cars; appointment of agent, of Revised Service Order No. 534, be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p. m., June 30, 1947, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 12:01 a.m., December 5, 1946; that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public

¹¹⁰ F. R. 12961, 14966; 11 F. R. 3691, 10221,

by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Secs. 402, 418, 40 Stat. 101, secs. 4, 10, 41 Stat. 476, 485, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17), 15 (4))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 46-21232; Filed, Dec. 4, 1946; 8:46 a. m.]

[S. O. 646]

PART 95-CAR SERVICE

ICING AT ROSEVILLE, SAN JOSE OR STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of December A. D. 1946.

It appearing, that the initial bunker icing at Watsonville Junction, California, of refrigerator cars loaded with fresh or green vegetables originating in the Salinas-Watsonville district of California, requires the shipment of ice from other points to Watsonville Junction, thereby interfering with the best utilization of cars, congesting traffic and wasting transportation; in the opinion of the Commission an emergency exists requiring immediate action in California; it is ordered, that:

§ 95.646 Icing at Roseville, San Jose or Stockton—(a) Refrigerator cars; initial bunker icing. For carriers' convenience refrigerator cars loaded with shipments of fresh or green vegetables originating in the Salinas-Watsonville district of California (defined herein as stations on the Southern Pacific Company, Coast Division, between King City, California, and Gilroy, California, including Santa Cruz, Monterey and Hollister branches), may be initially bunker iced by the Southern Pacific Company at Roseville, California, or by the Western Pacific Railroad Company at San Jose or Stockton, California, where bunker icing on such shipments is not otherwise prohibited by order of this Commission.

(b) Tariff provisions suspended; announcement required. The operation of all tariff rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(c) Effective date. This order shall become effective at 12:01 a.m., Decem-

ber 4, 1946.

(d) Expiration date. This order shall expire at 11:59 p. m., April 15, 1947, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 402, 40 Stat. 101, Sec. 4, 41 Stat. 476, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 46-21230; Filed, Dec. 4, 1946; 8:47 a. m.]

Subchapter B-Carriers by Motor Vehicle

PART 182—COMMON AND CONTRACT CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

Notice of filing of this document was published at 8 F. R. 16933 and is hereby republished in codified form.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of December A. D. 1943.

The Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, issue of 1937 (Part 182 of Title 49, CFR), and the order of the Commission dated November 29, 1937, prescribing said system being under consideration by the Division, pursuant to the authority of Section 220 of the Interstate Commerce Act, and the Division having found need for modifications and amendments therein:

It is ordered, That the second and third ordering paragraphs, (b) and (c) of said order of November 29, 1937, be and they are hereby modified and superseded to the extent that the following is

substituted therefor:

§ 182.00-1 Order of the Commission. *, * *

(b) That each Class I common and contract motor carrier of property, as such carriers are classified in the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, as hereinafter modified and amended and each receiver, trustee, executor, administrator, or assignee of any such carrier, is hereby required to comply with said amended system of accounts; and said amended system of accounts is prescribed for use in the keeping and recording of their accounts by such Class I common and contract motor carriers of property; and each such carrier and each and every receiver, trustee, executor, administrator, or assignee of such motor carrier is required to keep all accounts in conformity therewith. (49 Stat. 563, 54 Stat. 926; 49 U. S. C. 220)

It is further ordered, That the Uniform System of Accounts prescribed and approved by the said order of November 29, 1937, 49 CFR 182.00-1, be modified and amended as provided in the "Modifications of the Uniform System of Accounts for Class I Common and Contract Motor

Carriers of Property" hereto attached and made a part of this order and as so modified and amended be and is hereby approved and adopted and made a part of this order.

It is further ordered, That this order shall become effective January 1, 1944.

And it is further ordered, That a copy of this order shall be served upon every Class I motor carrier of property and every receiver, trustee, executor, administrator, or assignee of any such carrier; and that notice of this order be given the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Division of the Federal Register.

MODIFICATIONS OF THE UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY, ISSUE OF 1937, EFFECTIVE JANUARY 1, 1938

INSTRUCTIONS

1. Cancel paragraph (c) under § 182.02-1 and substitute the following in lieu thereof:

§ 182.02-1 Classification of carriers.

- (c) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations for the three calendar years immediately preceding the effective date of this system of accounts. If, at the end of any calendar year following the effective date of this system of accounts, the average of its annual gross operating revenues from motor carrier operations for the three preceding years is greater than the maximum or less than the minimum for the class in which the carrier has been grouped, it shall automatically be grouped in the higher or lower class in which it falls because of such increased or decreased average annual gross operating revenues. Any carrier which begins new operations or extends its existing operations subsequent to the effective date of this system of accounts may be classified in accordance with a reasonable estimate of its prospective annual gross operating revenues.
- 2. Delete last sentence in paragraph (a) of § 182.1180 and substitute the following in lieu thereof:
- * * * The cost shall also include sales and excise taxes on material purchases. Sales and excise taxes on material purchases. Sales and excise taxes on material charged to this account, except gasoline, other motor fuel, motor oil, and tires and tubes shall be included in the account charged with the cost of the material at the time it is issued for use. Sales and excise taxes on gasoline, other motor fuel, motor oil, and tires and tubes shall be charged to account 5200. Operating taxes and licenses, § 182.5200, when such material is issued for use.
- 3. Add notes under § 182.2120, Taxes accrued as follows:

NOTE A: The liability for income taxes of sole proprietors or members of a partnership shall not be included in this account.

Note B: The liability for social security and income taxes deducted from employees'

wages for payment to taxing bodies shall be included in account 2050, Accounts payable,

NOTE C: The liability for Federal or State taxes on transportation charges collectible by motor carriers shall be included in account 2190, Other current liabilities, § 182.2190.

- 4. Cancel the text and notes under § 182.5200, Operating taxes and licenses and substitute the following therefor:
- § 182.5200 Operating taxes and licenses. (a) This account shall include the amount of Federal, State, county, municipal and other taxing district taxes, which relate to motor carrier operations and property used therein (except taxes provided for in account 8000, Provisions for income § 182.8000).
- (b) This account shall be charged each month (or four-week period) with the amount of taxes applicable thereto, with concurrent credits to account 2120, Taxes accrued, § 182.2120, or account 1800, Prepayments, § 182.1800, as appropriate. When it is not possible to determine the actual taxes, they shall be estimated and the applicable portion of the total tax included in this account each month (or four-week period). Taxes included in this account on an estimated basis shall be adjusted when the actual levies become known. Taxes on gasoline, other motor fuel and lubricating oil, shall be included in this account on the basis of actual consumption.
- (c) The records shall be kept so as to show separately for each of the following subdivisions the amount of each class of tax included in this account and the basis on which it is levied, segregated between the amounts levied by the Federal government, and by State, municipal, and other taxing authorities.
- § 182.5210 Gasoline, other fuel and oil taxes. Include in this section all taxes levied by Federal, State, or other governmental bodies on motor fuel and motor oil consumed during the current accounting period.
- § 182.5220 Vehicle license and registration fees. Include in this section the cost of all fees assessed for the privilege of operating vehicles over the highways. such as registration fees, license plate fees, mileage taxes, gross weight taxes, ton-mile taxes, port of entry fees, permits for overload and oversize, Federal use tax, certificates of title fees, vehicle qualification fees and similar items.
- § 182.5230 Real estate and personal property taxes. Include in this section the amount of taxes based on the value of real estate and personal property.
- § 182.5240 Social security taxes. Include in this section the amount of social security, unemployment, and oldage benefit taxes payable to the Federal and State governments.
- § 182.5250 Other taxes. Include in this section all other operating taxes not specifically provided for in §§ 182.5210 to 182.5240, inclusive.

ITEMS

Capital stock taxes. City licenses and permits. Corporation taxes assessed for privilege of

doing business as a corporation. Gross receipts taxes not otherwise provided

Occupancy taxes

Permits to haul liquor, gasoline, etc. (except overload or oversize)

Sales taxes paid by carrier as vendor. Stock transfer taxes.

Telephone, telegraph, and other communication taxes.

Tires and tubes, taxes on purchase or rental All other taxes, licenses or fees not otherwise provided for.

Note A: Taxes on property leased from others for use in motor carrier operations, when the lessee is obligated under the terms of the lease to pay such taxes in addition to stipulated rent, shall be included in this

Note B: All other sales or excise taxes not provided for in this account shall be included in the account charged with the cost of the material or services.

NOTE C: Amounts received by the carrier in reimbursement of taxes on property operated as a joint facility (see Definition 25) shall be credited to account 5390, Joint jacility rents; credit, § 182.5390. Payments to other carriers for a portion of taxes on joint facilities shall be charged to account 5340, Joint facility rents; debit, § 182.5340.

Note D: The following taxes and fees shall

not be charged to this account:

1. Fees for filing annual reports and other documents not specifically related to certificates or applications for issuance of securities shall be charged to account 4656, Other general expenses, § 182.4656.

2. Special assessments for street or other improvements and fees or charges, sometimes called taxes, such as water taxes, street sprinkling and sidewalk repairs, which are payments for some specific services rendered by municipal or other taxing bodies, shall be charged to the appropriate property investment or maintenance accounts. (See Note B, account 1201, Land and land rights, § 182.1201.)

3. Taxes on property, the investment in which is included account 1400, Non-carrier operating property, § 182.1400, and account 1450, Non-operating property, § 182.1450, shall be charged to account 6000, Net income from non-carrier operations, § 182.6000, or account 6100, Net income from non-operating

property, § 182.6100, as appropriate.
4. Taxes on property leased to others shall be charged to the account to which the rent

revenue is credited.

5. Taxes assumed by the carrier on bond and note interest shall be charged to ac-count 7200, Taxes assumed on interest, § 182.7200.

6. Taxes paid on original issues of capital stock shall be included in account 1910, Commission and expense on capital stock, § 182.1910.

7. The cost of I. C. C. and State identification plates, for which a small charge is made to cover cost of manufacture, shall be included in account 4264, Other transportation expenses § 182,4264, or account 4360, Collection and delivery, § 182,4360, as appropriate.

Sections 182.8000 Provision for income taxes, 182.8010 Federal income tax, 182.8020 Federal excess profits 182.8030 Federal surtax on undistributed profits, 182.8040 Other Federal income taxes, 182.8050 State incomes taxes, and 182.8060 Other income taxes, and the texts thereof are hereby cancelled and the following prescribed in lieu thereof.

§ 182.8000 Provision for income taxes. (a) This account shall be charged each month (or four-week period) with a proportion of the estimated amount of Federal, State, or other taxes payable on the net income or profits of a corporation or unincorporated business.

(b) This account shall be subdivided as

follows:

182.8010 Federal income taxes. 182.8020 State income taxes. Other income taxes. 182.8030

NOTE: Personal income taxes of sole proprietors and members of a partnership shall not be charged to this account; if paid from funds of the business, the amounts thereof shall be charged to account 2800, Sole pro-prietorship capital, § 182.2800, or account 2810, Partnership capital, § 182.2810, as appropriate.

By the Commission, Division 1.

[SEAT.] W. P. BARTEL,

Secretary. [F. R. Doc. 46-21219; Filed, Dec. 4, 1946; 8:45 a. m.]

PART 182-COMMON AND CONTRACT CARRIERS OF PROPERTY

MISCELLANEOUS AMENDMENTS

Notice of filing of this document was published at 7 F. R. 7762 and is hereby republished in codified form.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 21st day of September A. D. 1942. The matter of modifying the Uniform

System of Accounts for Class I Common and Contract Motor Carriers of Property being under consideration pursuant to the authority contained in Section 220 of the Interstate Commerce Act:

It is ordered, That the following accounts and the texts therefor be, and they are hereby cancelled: § 182.3100 revenue, common carrier, § 182.3110 Freight revenue, contract carrier, § 182.3700 Miscellaneous terminal revenue, § 182.3900 Other operating revenue, § 182.4250 Purchased transportation, and § 182.4370 Local cartage.

It is further ordered, That the following accounts and the texts therefor be, and they are hereby prescribed:

- § 182.3100 Freight revenue; intercity; common carrier. This account shall reflect the net total of amounts included in subaccounts 3101 to 3104, inclusive, §§ 182.3101 to 182.3104, inclusive, representing revenue earned by the carrier from the transportation of property in intercity service, including collection and delivery incident thereto, while operating as a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act, 54 Stat. 920; 49 U. S. C. 203 (a) (14).
- § 182.3101 Credits. This section shall include the total amount of credits, such as:
- (a) Revenue upon the basis of local freight rates, including arbitraries and zone rates.

(b) Revenue upon the basis of joint freight rates.

(c) Revenue from transportation of baggage, express, mail and newspapers in freight equipment.

(d) Revenue from furnishing vehicles with drivers to another carrier under lease arrangements or similar bases.

(e) Revenue from substitute intercity service performed for a carrier by rail-

road or a carrier by water.

(f) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act (54 Stat. 920: 59 U.S. C. 203 (a) (14)).

(g) Revenue from reconsigning, stop

and other transit privileges.

(h) Fees for handling C. O. D.'s and other collections of monies from consignees in connection with freight shipments.

§ 182.3102 Debits, collection and delivery. This section shall include amounts payable to other carriers and allowances to shippers and consignees for performing collection and delivery of the carrier's intercity freight.

§ 182.3103 Debits, intercity service. This section shall include amounts payable to other carriers (except private carriers and owner-operators-see Note A) including divisions of through rates on interline shipments, for performing any portion of an intercity haul and amounts paid to another carrier for furnishing a vehicle with driver under lease or similar arrangement if the total tariff charges have been credited to subaccount 3101, § 182.3101.

§ 182.3104 All other debits. This section shall include all other debits such

(a) The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.

(b) Uncollected earnings on freight destroyed in transit or short and lost

freight.
(c) The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

Note A: When a common carrier employs vehicles and services of private carriers or owner-operators or their agents on a commission or other basis for hauling loads in intercity service, the common carrier shall record in this account the freight revenue from such hauls in the same manner as if the vehicles were owned. Amounts paid for the hauls shall be charged to account 4220, 5 182.4220 Drivers' and helpers' wages and bonuses, and account 5310, § 182.5310 Equipment rents; debit, as appropriate. Any additional expenses assumed by the common carrier shall be debited to the expense accounts appropriate therefor.

NOTE B: Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act, 54 Stat. 920; 49 U. S. C. 203 (a) (15), shall be included in account 3110, § 182,3110.

NOTE C: Revenue from collection and delivery service performed for another carrier shall be included in account 3120, § 182.3120

Freight revenue: local.

NOTE D: Intercity service, for the purpose of accounting and compiling statistical data, means transportation performed between cities or towns or between points within commercial zones, including the areas contiguous thereto and points outside such areas.

§ 182.3110 Freight revenue, intercity, contract carrier. This account shall reflect the net total of amounts included in sub-accounts 3111 and 3112, §§ 182.3111 and 182.3112, representing revenue earned by the carrier from the transportation of property in intercity service while operating as a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act, 54 Stat. 920; 49 U.S. C. 203 (a) (15).

§ 182.3111 Credits. This section shall include the total amount of credits

(a) Revenue on the basis of contracts or agreements for the transportation of

property.

(b) Revenue from the furnishing of vehicles with services of drivers to other carriers under lease arrangements or similar bases.

(c) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act, 54 Stat. 920; 49 U.S. C. 203 (a) (15).

§ 182,3112 Debits. This section shall include the total amount of debits such

(a) Amounts payable to other carriers (except private carriers and owner-operators-see Note A) for performing any portion of an intercity haul, including amounts paid to another carrier for furnishing a vehicle with driver under lease or similar arrangement, if the total revenue from the haul has been credited to sub-account 3111, § 182.3111.

(b) Uncollected earnings on freight damaged or destroyed in transit or short

and lost freight.

NOTE A: When a contract carrier employs vehicles and services of private carriers or owner-operators or their agents on a commission or other basis for hauling loads in intercity service, the contract carrier shall record in this account the freight revenue from such hauls in the same manner as if the vehicles were owned. Amounts paid for the hauls shall be charged to account 4220, § 182,4220 Drivers' and helpers' wages and bonuses, and account 5310, § 182.5310 Equipment rents; debit, as appropriate. Any additional expenses assumed by the contract carrier shall be debited to the expense accounts appropriate therefor.

NOTE B: Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act, 54 Stat. 920; 49 U. S. C. 203 (a) (14), shall be included in account 3100, § 182.3100.

NOTE C: Revenue from collection and delivery service performed for another carrier be included in account 3120, § 182.3120

Freight revenue; local.

Note D: Intercity service for the purpose of accounting and compiling statistical means transportation performed between cities or towns or between points within commercial zones, including the areas contiguous thereto and points outside such areas.

§ 182.3120 Freight revenue; local service. (a) This account shall include revenue earned by common and contract carriers from the transportation of property in local service, such as:

(1) Revenue from collection and delivery and transfer service performed for carriers by motor, rail, water and express and for freight forwarders.

(2) Revenue from the furnishing of vehicles with services of drivers to another carrier under lease or similar arrange-

(3) Revenue from local transfer serv-

(b) This account shall be debited with overcharges resulting from the use of erroneous rates, weights, classifications or computation and uncollected earnings on freight damaged or destroyed in transit or short and lost freight.

Note A: Revenue earned by the carrier from collection and delivery service incident to its transportation of property in intercity service shall be included in accounts 3100 or 3110, § 182.3100 or § 182.3110, as ap-

Note B: Local service, for the purpose of accounting and compiling statistical data, means transportation performed within a city or town including the trading area con-

tiguous thereto.

§ 182.3900 Other operating revenue. This account shall include revenues not provided for in accounts 3100 to 3120, §§ 182.3100 to 182.3120, inclusive, derived from the operation of property, the investment in which is included in account 1200, § 182.1200, Carrier operating property, such as:

(a) Advertising matter displayed in or

on structures and vehicles.

(b) Commissions for brokerage serv-

(c) Commissions for making payroll deductions.

(d) Commissions for collecting freight charges for other carriers.

(e) Garnishment fees.

(f) Lockers, weighing and vending machines and similar devices.

(g) Parking and storage of vehicles. (h) Privilege of installing and operat-

ing commercial and coin box telephones. (i) Privilege of operating lunch counters, news stands and soda fountains.

(j) Profit from operating lunch rooms and restaurants.

(k) Profit on sales of material and supplies, shop work and services for others.

(1) Rigging and other services accessorial to the transportation of property.

(m) Snow plow work.

(n) Storage of freight in excess of free time provided in tariffs.

(o) Other miscellaneous revenues incident to motor carrier operations.

It is further ordered, That the following accounts be and they hereby are stricken from the list of accounts under "Operation and Maintenance Expenses" on page 54, of the Commission's publication entitled "Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property," and on page 2072, 49 CFR, Volume 14, Book 2: § 182.4250 Purchased transportation, § 182.4370 Local cartage.

(49 Stat. 563, 54 Stat. 926; 49 U. S. C.

It is further ordered, That this order shall become effective on the 1st day of October 1942.

By the Commission, Division 1.

W. P. BARTEL, [SEAL] Secretary.

[F. R. Doc. 46-21220; Filed, Dec. 4, 1946; 8:45 a. m.]

PART 182-COMMON AND CONTRACT CARRIERS OF PROPERTY

UNIFORM SYSTEM OF ACCOUNTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of November A. D. 1946.

The matter of the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, Issue of 1937, effective January 1, 1938 (49 CFR 182), as modified by orders of September 21, 1942, and December 15, 1943, being under consideration by the Division, pursuant to the authority of section 220 of the Interstate Commerce Act, and the modifications which are attached hereto and made a part hereof being found necessary for administration of Part II of the act:

And it appearing that this proceeding was initiated prior to the effective date of the Administrative Procedure Act, and therefore under the provisions of section 12 of that act publication of a general notice of proposed rule-making as contemplated by section 4 of the act was not necessary; It is ordered, That:

1. The order of September 21, 1942, which modified the Uniform System of Accounts for Class I Common and Contract Motor Carriers of Property, be, and it is hereby cancelled, effective January

1, 1947.

2. That all Class I Common and Contract Motor Carriers of Property subject to the provisions of the Interstate Commerce Act, and every trustee, receiver, executor, administrator, or assignee of any such carrier, be, and they are hereby, required to comply with the "Uniform System of Accounts for Class I Common and Contract Carriers of Property, Issue of 1937," as hereby modified and amended, effective January 1, 1947.

3. That a copy of this order shall be served upon each Class I Common and Contract Motor Carrier of Property subject to the act and upon every trustee. receiver, executor, administrator, or assignee of any such motor carrier, and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Modifications of the Uniform System of Accounts for Class I common and contract motor carriers of property, issue of 1937, effective January 1, 1938, modified by orders dated September 21, 1942, and

December 15, 1943.

1. Cancel the following revenue accounts prescribed by the order of September 21, 1942:

3100-Freight revenue-Intercity-Common carrier.

3101-Credits.

3102—Debits—Collection and delivery. 3103—Debits—Intercity service.

3104-All other debits.

3110-Freight revenue-Intercity-Contract carrier. 3111—Credits. 3112—Debits.

3120-Freight revenue-Local service.

3900-Other operating revenue.

and substitute the following in lieu thereof:

§ 182.3000 Operating revenues. This account shall include the total operating revenues, as provided in the primary operating revenue accounts, derived by the carrier from its motor-carrier operations during the period covered by the income account.

OPERATING REVENUE ACCOUNTS

3100-Freight revenue-Intercity-Common carrier.

3110-Freight revenue-Intercity-Contract carrier.

3120-Freight revenue-Local service. 3130-Revenue-Transportation for other Class I motor carriers.

3900-Other operating revenue.

§ 182.3100 Freight revenue; inter-city; common carrier. (a) This account shall include all revenue earned by the carrier from the transportation of property in intercity service, including collection and delivery incident thereto, while operating as a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act. This includes:

(1) Revenue upon the basis of single line freight rates, including arbitraries

and zone rates.

(2) The carrier's proportion of revenue earned on interline shipments.

(3) Revenue from the transportation of baggage, express, mail and newspapers in freight equipment.

(4) Revenue from substitute intercity service performed for a carrier by rail-

road, air or water.

(5) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act.

(6) Revenue from reconsigning, stop

and other transit privileges.

(7) Fees for handling C. O. D.'s and other collections of money from consignees in connection with freight shipments.

(b) This account shall be charged with:

(1) The carrier's proportion of overcharges resulting from the use of erroneous intercity rates, weights, classifications or computations.

(2) Uncollected earnings on intercity freight destroyed in transit and on short

and lost freight.

(3) The carrier's proportion of uncollected intercity tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.

Note A: When a common carrier employs vehicles and services of others on a commission or other basis for hauling loads in intercity service and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record in this account the freight revenue from such hauls in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be charged to account Transportation—Intercity. 4250-Purchased

Note B: Amounts payable to others for collection, delivery and local transfer of the carrier's intercity freight under arrangements whereby the agreement for the amount payable is based on other than actual division of tariff rates shall be charged to account 4370—Purchased collection and delivery.

NOTE C: Divisions of interline tariff charges due other carriers shall be included in the appropriate accounts payable account.

Note D: Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act, shall be included in account 3110-Freight revenue; Intercity; Contract carrier.

Note E: Revenue from collection and delivery and local transfer service performed for another carrier shall be included in ac-count 3120—Freight revenue; Local service. Note F: Revenue from furnishing line-haul

vehicles with drivers to another Class I motor carrier under lease arrangements or similar bases and revenue from transporting intercity freight for another Class I motor carrier, except interline shipments, shall be included in account 3130-Revenue; Transportation for other Class I motor carriers.

Note G: Intercity service for the purpose of

accounting and compiling statistical data means transportation performed beyond the limits defined for Local Service (see Note C to account 3120 for definition of Local Serv-

§ 182.3110 Freight revenue; intercity: contract carrier. (a) This account shall include all revenue earned by the carrier from the transportation of property in intercity service while operating as a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce Act. This includes:

(1) Revenue on the basis of contracts or agreements for the transportation of

property in intercity service.

(2) Revenue from the intercity transportation of property in intrastate commerce if the service is similar to that of a contract carrier as defined in section 203 (a) (15) of the Interstate Commerce

(b) This account shall be charged with uncollected earnings on freight damaged or destroyed in transit or short and lost freight.

Note A: When a contract carrier employs vehicles and services of others on a commission or other basis for hauling loads in inter-city service, and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record in this account the freight revenue from such hauls in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be charged to account 4250-Purchased transportation; Intercity.

NOTE B: Revenue from the intercity transportation of property in intrastate commerce, if the service is similar to that of a common carrier as defined in section 203 (a) (14) of the Interstate Commerce Act, shall be in-cluded in account 3100—Freight revenue; In-

tercity; Common carrier.

Note C: Revenue from collection and delivery and local transfer service performed for another carrier shall be included in account 3120-Freight Revenue; Local service,

NOTE D: Revenue from furnishing line-haul vehicles with drivers to another Class I motor carrier under lease arrangements or similar bases shall be included in account 3130-Revenue; Transportation for other Class I motor carriers.

NOTE E: Intercity service for the purpose of accounting and compiling statistical data means transportation performed beyond the limits defined for local service (see Note C to account 3120 for definition of local service).

§ 182.3120 Freight revenue; local service. (a) This account shall include revenue earned by common or contract carriers from the transportation of property in local service, such as:

¹ Supra.

(1) Revenue from collection and delivery and local transfer services performed for carriers by motor vehicle, railroad, air, water and express, and for freight forwarders.

(2) Revenue from other local transfer

service.

(b) This account shall be debited with overcharges resulting from the use of erroneous local rates, weights, classifications or computations and uncollected earnings on freight damaged or destroyed in transit, or short and lost freight.

Note A: Revenue earned by the carrier from collection and delivery service incident to its transportation of property in intercity service shall be included in accounts 3100 and

3110, as appropriate.

Note B: When a carrier employs vehicles and services of others on a commission or other basis for hauling loads in local service, and the expenses incurred in their operation are borne by the owners of the vehicles, the carrier shall record in this account the freight revenue from such hauls in the same manner as if it owned the vehicles. Amounts paid to the owners of the vehicles as compensation for the hauls shall be charged to account 4255—Purchased transportation; local.

NOTE C: Local service, for the purpose of accounting and of compiling statistical data, means transportation performed within a city or town including the suburban area con-

tiguous thereto.

§ 182.3130 Revenue; transportation for other Class I motor carriers. This account shall include amounts receivable from other Class I motor carriers for performing any portion of their intercity haul under contractual arrangements whereby the agreement for compensation is based on other than a division of tariff rates, such as:

(a) Revenue from furnishing a vehicle with services of driver to another Class I motor carrier under lease or similar

arrangement.

(b) Revenue from transporting freight for another Class I motor carrier when such transportation is purchased by the other carrier to complete any portion of its intercity haul.

(c) Revenue from the transportation of loaded or empty trailers for another

Class I motor carrier.

NOTE: Revenue received from the lease of vehicles to other carriers without the services of drivers shall be included in account 5350—Equipment rents—Credit,

- § 182.3900 Other operating revenue. This account shall include revenues not provided for in accounts 3100 to 3130, inclusive, derived from the operation of property the investment in which is included in account 1200—Carrier operating property, such as:
- (a) Advertising matter displayed in or on structures and vehicles.
- (b) Commissions for brokerage service.
- (c) Commissions for making payroll deductions.
- (d) Commissions for collecting freight charges for other carriers.
 - (e) Garnishment fees.
- (f) Lockers, weighing and vending machines and similar devices.
- (g) Privilege of operating lunch counters, news stands and soda fountains.

- (h) Privilege of installing and operating commercial and coin box telephones.
- (i) Profit from operating lunch rooms, restaurants, etc.
- (j) Profit on sales of material and supplies, shop work and services to others.
 - (k) Parking and storage of vehicles.
- (1) Rigging and other services accessorial to the transportation of property. (See Note.)

(m) Snow plow work.

(n) Storage of freight in excess of free time provided in tariffs.

(o) Other miscellaneous revenues incident to motor carrier operations.

Note: Rigging and other accessorial services as used in Item 12 means loading, unloading and placing of shipments of unusual size or weight necessary to effect transportation of the shipment. Revenues and expenses incident to installation, erection or dismantling of machines, structures, etc., shall be included in account 6000—Net income from non-carrier operations.

Add new accounts as follows:

§ 182.4250 Purchased transportation; intercity. (a) This account shall include amounts payable to others for performing any portion of the carrier's intercity haul under arrangements whereby the agreement for compensation is based on other than a division of tariff rates and the expenses of the haul are borne by the hired carrier or owner-operator.

(b) This account shall also include payments to railroads and water carriers for intercity transportation of loaded trucks or trailers, and for the transportation of freight when such transportation is purchased by the carrier to complete any portion of its intercity haul.

(c) This account shall be subdivided to reflect separately:

- Payments to Class I motor carriers.
 Payments to railroads and water carriers.
- (3) Payments to all others, including motor carriers, owner-operators and private carriers, express companies and for parcel post.

Note: Amounts payable as rent for vehicles furnished without the services of drivers, for use in the carrier's transportation service, shall be charged to account 5310—Equipment rents—Debit.

§ 182.4255 Purchased transportation; local. This account shall include amounts payable to others for performing any portion of the carrier's local transportation service (See Note C under account 3120—Freight revenue—Local service, for definition of local service under arrangements whereby the agreement for compensation is based on other than a division of tariff rates, and the expenses of the haul are borne by the party hired to perform the service.

Note: Amounts payable to others for collection and delivery of the carrier's intercity freight, including allowances made to shippers and consignees, shall be charged to account 4370—Purchased collection and delivery.

§ 182.4370 Purchased collection and delivery. This account shall be charged with amounts payable for collection and delivery of the carrier's intercity freight performed by others under any arrangement whereby determination of the compensation to be paid is based on other than a division of tariff rates, and with allowances made to shippers and consignees for the delivery or picking up of the carrier's intercity freight.

Note: Amounts payable as rent for vehicles furnished by others without the services of drivers, for use in the carrier's collection and delivery service, shall be charged to account 5310—Equipment rents—Debit.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 46-21229; Filed, Dec. 4, 1946; 8:47 a. m.]

PART 205—REPORTS OF MOTOR CARRIERS MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 29th day of November A. D. 1946.

The said Division having under consideration a petition of American Trucking Associations, Inc., dated November 8, 1946, proposing an extension until December 31, 1947, of the requirements of the order of March 1, 1946, in which certain Class I motor carriers of property were required to keep their accounts and compile statistics to enable them to report supplemental information to their annual reports for the year ended December 31, 1946; and good cause appearing therefor:

And it appearing that this proceeding was initiated prior to the effective date of the Administrative Procedure Act, and therefore under the provisions of section 12 of that act publication of a general notice of proposed rule-making as contemplated by section 4 of the act was not necessary; it is ordered, that:

§ 205.1 Supplement to Motor Carrier Annual Report Form A-1947. The said order of March 1, 1946, be, and it is hereby, extended so as to require each Class I Common Carrier by motor vehicle engaged predominantly in intercity service as a carrier of general commodities which had gross operating revenues for the year 1945 of \$400,000 or more to keep its accounts and compile statistics which will permit it to report to the Interstate Commerce Commission, for the 12 months ending December 31, 1947, the information contained in the Supplement to Motor Carrier Annual Report Form A for 1946 which was prescribed by the order of March 1, 1946.

A copy of this order shall be served upon every Class I motor carrier of property and every receiver, trustee, executor, administrator, or assignee of any such carrier; and notice of this order shall be given the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington,

D. C., and by filing it with the Division of the Federal Register.

(49 Stat. 563, Sec. 24, 54 Stat. 926; 49 U. S. C. 320.)

By the Commission, Division 1.

W. P. BARTEL, Secretary.

|F. R. Doc. 46-21228; Filed, Dec. 4, 1946; 8:46 a. m.l

Chapter II-Office of Defense Transportation

PART 500-CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For exceptions to the provisions of § 500.72 see Part 520,

> PART 502-DIRECTION OF TRAFFIC MOVEMENTS

SHIPMENT OF OVERSEAS FREIGHT

CROSS REFERENCE: For exceptions to the prohibitions of § 502.202 see Part 522,

[Special Direction ODT 18A-2A, Amdt. 7]

PART 520-CONSERVATION OF RAIL EQUIP-MENT: EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to § 500.73 of General Order ODT 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320), Special Direction ODT 18A-2A, as amended (9 F. R. 118, 4247, 13008, 10 F. R. 2523, 3470, 14906, 11 F. R. 1358, 13793), is hereby further amended by changing Items 475 (b) and 485. Note 1, to read as follows:

475 (b) In bags, burlap or cloth; in boxes, or in sacks, paper; containing 100 pounds or more each; shall be loaded to a weight not less than 50,000 pounds, subject to Note 1,

485. Note 1. Applications for the issuance of special permits which will specify minimum loading requirements for early white, immature potatoes, during season of har-vesting; also for certain types of seed pota-toes, may be made to the Railway Transport Department, Office of Defense Transporta-tion, Washington 25, D. C.

This Amendment 7 to Special Direction ODT 18A-2A shall become effective December 5, 1946 and shall expire at 11:59 p. m. March 31, 1947.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress, 60 Stat. 345; 50 U. S. C. App. Supp. 633, 645, 1152; E. O. 8989, December 18, 1941, E. O. 9389, October 18, 1943; E. O. 9729, May 23, 1946, 6 F. R. 6725, 8 F. R. 14183, 11 F. R. 5641)

Issued at Washington, D. C., this 2d day of December 1946.

> ARTHUR H. GASS. Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 46-21191; Filed, Dec. 4, 1946; 8:46 a. m.]

[Gen. Permit ODT 16C, Rev-1, Revocation] PART 522-DIRECTION OF TRAFFIC MOVE-MENT-EXCEPTIONS, EXEMPTIONS, AND PERMITS

SHIPMENT OF OVERSEAS FREIGHT

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, It is hereby ordered, That General Permit ODT 16C, Revised-1 (11 F. R. 13427), relating to certain shipments of overseas freight be, and it is hereby, revoked, effective 12:01 a. m. December 4, 1946.

(54 Stat. 676, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Law 475, 79th Cong., 60 Stat. 345; 50 U. S. C. App. Sup. 633, 645, 1152; E. O. 8989, December 18, 1941, E. O. 9389, October 18, 1943; E. O. 9729, May 23, 1946, 6 F. R. 6725, 8 F. R. 14183, 11 F. R. 5641)

Issued at Washington, D. C., this 2d day of December 1946.

> J. M. JOHNSON. Director. Office of Defense Transportation.

[F. R. Doc. 46-21233; Filed, Dec. 4, 1946; 8:46 a. m.1

Notices

SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 59-17, 59-11, 54-25]

UNITED LIGHT & POWER CO. ET AL.

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 27th day of November A. D. 1946.

In the matter of The United Light and Power Company, The United Light and Railways Company, American Light & Traction Company, Continental Gas & Electric Corporation, United American Company, and Iowa-Nebraska Light and Power Company, respondents, File No. 59-17: The United Light and Power Company and its subsidiary companies, respondents, File No. 59-11; The United Light and Power Company, applicant, File No. 54-25.

The Commission having on November 28, 1945 (Holding Company Act Release No. 6249) approved applications and declarations filed by The United Light and Railways Company ("Railways") and its subsidiary, Continental Gas & Electric Corporation ("Continental"), both registered holding companies, regarding, among other things, the issue and sale to banks by Continental of \$50,000,000 principal amount of promissory notes, the principal amount of which has since been reduced to \$11,200,000 as of September 30, 1946; and

The Loan Agreement with reference to such notes containing, among other things, the following provision:

The Company covenants that in the event it shall not, on or before December 31, 1946, have acquired the common stock of either Missouri Power & Light Company or of a corporation which shall have acquired the business and assets of Missouri Power & Light Company, it will apply the sum of \$2,520,000 to the proportionate prepayment of the prin-cipal of the Ten Year Notes, such prepayment to be applied to the proportionate reduction of each of the semi-annual instalments maturing on and after July 1, 1947, and the instalment due on the final maturity date, by an aggregate amount of \$140,000 applicable to all of the Ten Year Notes;

Continental having filed an application requesting permission to modify such Loan Agreement by eliminating therefrom the foregoing clause in order to enable Continental to fulfill its commitment made to Kansas City Power & Light Company ("Kansas City"), a subsidiary of Continental, to purchase on or before March 1, 1947 additional common stock from Kansas City for a cash consideration of \$3,500,000; such commitment having been made in connection with the application by Kansas City to issue and sell bonds, serial notes and preferred stock and such commitment being subject to modification of the foregoing Loan Agreement so as to permit Continental to utilize in such purchase of common stock the \$2,520,000 of treasury cash reserved by said provision for reduction of the above-described bank loan in the event such sum was not used in the acquisition of the common stock of Missouri Power & Light Company; such acquisition not now being possible of consummation prior to December 31, 1946 and the banks which are parties to said Loan Agreement having agreed that the aforesaid provision may be eliminated: and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted; and

Continental having requested that the order with respect to modification of such Loan Agreement become effective immediately in order that the company may take such further steps as are necessary to consummate the purchase of said additional common stock without delay and the Commission deeming it appropriate to grant such request:

It is ordered, Effective forthwith, that the application of Continental requesting permission to modify the Loan Agreement, dated November 24, 1945 and approved by our order of November 28, 1945, by eliminating therefrom the clause quoted hereinabove be and the same hereby is granted.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F. R. Doc. 46-21161; Filed, Dec. 4, 1946; 8:48 a. m.l

[File Nos. 70-1401, 70-1399]

PEOPLES LIGHT CO. OF PITTSTON ET AL.

NOTICE OF FILING AND ORDER FOR AND CONSOLIDATION OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 22d day of November A. D. 1946. In the matter of Peoples Light Company of Pittston, York County Gas Company, Pennsylvania Gas & Electric Corporation, File No. 70–1401; John H. Ware,

3d, File No. 70-1399.

Notice is hereby given that Peoples Light Company of Pittston ("Pittston"), a gas utility company and a subsidiary of York County Gas Company ("York") a gas utility company and exempt holding company and in turn a subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp."), a registered holding company, together with said York and Penn Corp., and John H. Ware, 3d, of Oxford, Pennsylvania, have filed with this Commission applications or declarations (or both) pursuant to the Public Utility Holding Company Act of 1935. Pittston, York and Penn Corp. have designated section 12 of the Act and Rules U-44 and U-46 promulgated thereunder and John H. Ware, 3d, has designated sections 9 and 10 of the act and Rule U-23 thereunder as applicable to the proposed transactions.

All interested persons are referred to said documents which are on file in the office of the Commission for a statement of the transactions therein proposed, which may be summarized as follows:

Pittston proposes to sell to John H. Ware, 3d, or his nominee, substantially all its property and assets for a basic sales price of \$266,000 in cash, subject to certain adjustments to the date of sale. Said property includes property used and useful in the production, transmission, distribution and sale of manufactured gas located in the City of Pittston, Borough of West Pittston, Borough of Exeter, Borough of Hughestown, Township of Pittston and Township of Jenkins, Luzerne County, Pennsylvania, and environs.

Upon the completion of this sale it is proposed to dissolve and liquidate Pittston, all of the stock of which is owned and held by York, and to pay a liquidating dividend to York. Upon the receipt of the moneys from the dissolution and liquidation of Pittston, York proposes to pay off the balance of its then outstanding serial notes in the amount of \$262,500 now held by The Commercial National Bank and Trust Company of New York.

John H. Ware, 3d, or his nominee, proposes to purchase substantially all the property and assets of Pittston as aforesaid. Ware has filed with the Secretary of the Commonwealth of Pennsylvania an application for Letters Patent for incorporation of Pittston Gas Company. The incorporators of said Pittston Gas Company have applied to the Pennsylvania Public Utility Commission for Certificates of Public Convenience to operate as a gas utility in the territory now served by Pittston. Said incorporators have also filed a Securities Certificate with the Pennsylvania Public Utility Commission relating to issuance of 700 shares of Common Stock of \$50 par value per share to Ware. It is proposed that Ware shall acquire said 700 shares of the Common Stock of Pittston Gas Company. a \$160,000 4% Note of said company due on or before November 1, 1947 and a 5% Demand Note of said company in the approximate amount of \$66,000 or such other amount as, in addition to the proceeds of the 700 shares and \$160,000 4% Note, will be required to consummate the transaction with Pittston.

The filing states that Ware is president and owns the outstanding securities of Penn Fuel Gas, Inc., which owns all the outstanding securities of Pottsville Gas Company, Bangor Gas Company and Citizens Gas Company, and that he owns the outstanding securities of eight other small gas companies in Pennsylvania and slightly less than 50% of the outstanding capital stock of Salem Gas Company, doing business at Salem, New Jersey.

Both filings state that the Pennsylvania Public Utility Commission has jurisdiction with respect to the proposed

transactions.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors and consumers that a hearing be held with respect to the matters set forth in said filings and that said declarations should not become effective or said applications be granted, except pursuant to further order of the Commission; and

It further appearing that the foregoing matters are related, and that evidence offered in respect to each of the matters may have a bearing on the other, and that substantial savings in time, effort and expense will result if said matters

are consolidated:

It is hereby ordered, That said proceedings be, and hereby are, consolidated, subject to the reservation that the Commission, if at any time it appears conducive to the orderly, efficient, or economic disposition of any of the matters herein, may order a separate hearing concerning any of the issues in the consolidated proceedings, may close the record with respect to any of such issues, or may take any action on any such issue prior to the closing of the record on the other issues therein, or may consolidate with these proceedings other matters or filings pertaining to the instant proceedings.

It is further ordered, That a hearing be held upon said matters, as consolidated, pursuant to the applicable provisions of the act and the rules and regulations thereunder, on December 3, 1946, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room where such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in said proceeding shall file with the Secretary of the Commission, on or before December 2, 1946, his request or application therefor, as provided by Rule XVII of the rules

of practice of this Commission.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commis-

sion that it has made a preliminary examination of the applications and declarations and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed sale of utility assets is in the public interest and in the interest of investors and consumers.

2. Whether the proposed acquisitions of securities by Ware comply with the requirements of section 10 of the act and will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

3. Whether the considerations, including fees, commissions or other remunerations to be paid and received in respect of the assets and securities involved are reasonable and bear a fair relationship to the sums invested in or the earning capacity of such utility assets or the assets underlying such securities.

 Whether the proposed payment of a liquidating dividend by Pittston to York is in compliance with the requirements

of section 12 (c) of the act.

5. Whether, if the proposed transactions are authorized, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose terms and conditions, and, if so, what terms and conditions should be imposed.

6. Whether the accounting entries to be made in connection with the proposed transactions are in accordance with

sound accounting practice.

It is further ordered, That particular attention be directed at said consolidated hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve by registered mail a copy of this order on People's Light Company of Pittston, York County Gas Company, Pennsylvania Gas & Electric Corporation, John H. Ware, 3d, the Pennsylvania Public Utility Commission, and the Mayor of the City of Pittston, Pennsylvania and that said notice of said consolidated hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 46-21160; Filed, Dec. 4, 1946; 8:48 a. m.]

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of November A. D. 1946.

In the matter of The Middle West Corporation, Central and South West Utilities Company and American Public Service Company. File No. 54–81.

Notice is hereby given that Central and South West Utilities Company (Central), a registered holding company and American Public Service Company (American), also a registered holding company and a subsidiary of Central, have filed as an amendment in this proceeding a joint declaration pursuant to the Public Utility Holding Company Act of 1935, particularly Rule U-65 promulgated thereunder, for authority to employ brokers and dealers to solicit exchanges of the Prior Lien and Preferred Stocks of Central and Preferred Stock of American for Common Stock of Central and South West Corporation in connection with a plan of reorganization filed by the parties pursuant to section 11 (e) of the act and heretofore approved by orders of the Commission and the United States District Court for the District of Delaware. The proposed transactions are stated to be for the purpose of effectuating the said plan.

All interested persons are referred to said declaration, which is on file in the offices of this Commission, for a statement of the transactions therein proposed, which may be summarized as fol-

lows: Central proposes, as soon as practicable, to mail to the holders of the outstanding preference shares of Central and American a letter notifying all of said stockholders who desire to exchange their preference shares for shares of new Common Stock pursuant to the provisions of the plan, to deposit the certificates representing their preference shares with the office of an agency of the company on or prior to the date to be specified in such letter, which date is now proposed to be some date not later than January 10, 1947, and to give the holders of said preference shares an exchange period of approximately three weeks, ending on or prior to about January 10, 1947. A copy of the proposed letter of solicitation will be supplied by amendment. Upon the expiration of said exchange period, Central proposes, pursuant to the provisions of the plan, to publish a public invitation for bids for the purchase at competitive bidding of the shares of Common Stock of Central and South West Corporation not exchanged for shares of preference stock of Central and American. Further, Central and American propose to employ brokers and dealers to solicit the exchange and deposit of preference shares of Central and American for shares of the Common Stock of the merged corporation, and to pay for such services, commissions not to exceed 11/2% of the redemption price of the preference shares deposited for exchange. No commissions will be paid in connection with the exchange of preference shares to be made by The Middle West Corporation pursuant to the plan.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such matters, and that the declaration shall not become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters, under the applicable provisions of the act and rules of the Commission, be held before the Commission on December 10, 1946, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration should become effective.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the proposed employment of brokers and dealers for the purpose of soliciting and effecting the deposit of preference shares of Central and American for exchange for shares of common stock of Central and South West Corporation is, under the circumstances of this case, in the public interest and in the interest of investors or consumers.

(2) Whether the terms of the proposed solicitation are fair and equitable to the security holders of Central and American, in accordance with the provisions and standards of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, and whether the fees proposed to be paid to the solicitors are reasonable and for necessary services.

(3) What conditions, if any, should be imposed for the protection of the public interest and the interest of investors or consumers.

It is further ordered, That any persons desiring to be heard or proposing to intervene herein shall file with the Secretary of the Commission on or before December 6, 1946, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That notice of said hearing be given to Central American, The Middle West Corporation, to all persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons, said notice to be given by registered mail to Central, American, The Middle West Corporation and to all persons who have heretofore applied for or who have been granted participation in the proceedings, and to all other persons by publication of this notice and order in the Federal Register.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-21234; Filed, Dec. 4, 1946; 8:46 a. m.]

[File Nos. 54-54, 70-559, 59-50]

NORTHERN STATES POWER CO. ET AL. ORDER AMENDING ORDER DATED NOV. 8, 1946

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of November 1946.

In the matter of Northern States Power Company (Delaware), File No. 54–54; and Northern States Power Company (Minnesota), File No. 70–559; and Northern States Power Company (Delaware), and each of its subsidiaries, File No. 59–50.

The Commission having, by order entered November 8, 1946, ordered that the continued existence of Northern States Power Company, a Delaware corporation, be terminated, that said Company proceed with due diligence to submit to this Commission a plan for that purpose, and that certain other steps be taken, including the discharge of an open account indebtedness in the amount of \$7,530,-852.08 due from Northern States Power Company (Delaware) to Northern States Power Company (Minnesota), and which order provides, in accordance with a provision in the Amended Plan of Northern States Power Company (Delaware) filed March 31, 1944, that certain amounts shall be annually retained in the earned surplus account of Northern States Power Company (Minnesota) for a period of years until an amount substantially equivalent to the amount of such open account should have been accumulated, which retained earned surplus will not at any time be available for dividends on any class of its stock; and

Northern States Power Company (Minnesota) and Northern States Power Company (Delaware) having requested that said order dated November 8, 1946, be amended to eliminate such retention of earned surplus and dividend restriction, and it appearing that since the approval of the said Amended Plan Northern States Power Company (Minnesota) has refunded its formerly outstanding First and Refunding Mortgage Bonds, 31/2% Series, due 1967, and has refinanced its formerly outstanding Cumulative Preferred Stock, \$5 Series with similar securities bearing lower interest rates and preferred dividend requirements, and that appropriate disclosures were made in connection with the sales of such new securities to the effect that any such retention and restriction would not be continued; and

It appearing to the Commission that good cause has been shown for the elimination of said retention of earned surplus and dividend restriction and that such elimination will be in the public interest and in the interest of investors and consumers, and that said order dated November 8, 1946, may properly be amended to eliminate such retention of earned surplus and dividend restriction, such amendment to be effective as of November 8, 1946.

It is hereby ordered, That the order of this Commission in these proceedings, dated November 8, 1946, be and is hereby amended, effective as of November 8, 1946, by deleting from the ninth paragraph of said order the words reading as follows: "and that the Minnesota Company shall annually retain \$445,-207.00 in its earned surplus account over a period of 16¾ years from April 1, 1942 until a total of \$7,457,220.00 has accumulated therein, which retained earned

surplus will not at any time be available for dividends on any class of its stock."

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 46-21166; Filed, Dec. 4, 1946; 8:47 a. m.]

[File Nos. 54-54, 70-559, 59-50] NORTHERN STATES POWER CO. ET AL.

NOTICE OF FILING SECOND AMENDED PLAN AND AMENDED APPLICATION-DECLARATION AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of November 1946.

In the matter of Northern States Power Company (Delaware), File No. 54-54; and Northern States Power Company (Minnesota), File No. 70-559; and Northern States Power Company (Delaware), and each of its subsidiaries, File

No 59-50

Northern States Power Company, a corporation organized under the laws of Delaware (the Delaware Company), a registered holding company which owns all of the common stock of Northern States Power Company, a corporation organized under the laws of Minnesota (the Minnesota Company), having filed a plan for the liquidation and dissolution of the Delaware Company pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 (the act) (File No. 54-54), and the Minnesota Company, which is also a registered holding company, having filed an Application-Declaration relating to various transactions incident to said plan (File No. 70-559), and the Commission having issued an order instituting proceedings pursuant to sections 11 (b) (2), 15 (f) and 20 (a) with respect to the Delaware Company and each of its subsidiaries (File No. 59-50); said proceedings having been consolidated for hearing and disposition; hearings having been held on such matters from time to time; and the Commission having approved such plan (hereinafter referred to as the First Amended Plan) and having granted and permitted to become effective such application-declaration as amended; and

The Commission having subsequently applied to the United States District Court for the District of Minnesota to enforce said First Amended Plan; various parties having filed objections thereto; the Commission having thereafter, pursuant to notice and at reconvened hearings, received further evidence with respect to changed circumstances arising since the date of approval of said First Amended Plan; the Commission, after consideration of the record of such reconvened hearings, by order entered November 8, 1946, in this proceeding, having vacated the order approving said First Amended Plan; and the Commission having thereafter, on November 22, 1946, upon application to said United States District Court for the Northern District of Minnesota, obtained leave of said Court to withdraw said application to enforce the First Amended Plan; and

The Commission having also ordered on November 8, 1946, pursuant to section 11 (b) (2) of the act, that the continued existence of the Delaware Company be terminated, that said Company submit with due diligence a plan for its liquidation and dissolution and the termination of its existence, and that certain intercorporate transactions and accounting adjustments be effectuated, as more fully provided in said order dated November 8, 1946, to which reference is hereby made:

Notice is hereby given that the Delaware Company has filed a Second Amended Plan providing for its liquidation and dissolution, pursuant to the provisions of section 11 (e) of the act. and for the effectuation of certain accounting adjustments and intercorporate transactions between it and its subsidiary, the Minnesota Company, and that in connection therewith the Minnesota Company filed an amendment to its Application-Declaration (File No. 70-559) with respect to certain accounting adjustments and transactions proposed by that Company. All interested persons are referred to said Second Amended Plan (File No. 54-54), and to said amendment to said Application-Declaration (File No. 70-559), which are on file at the offices of this Commission, for a statement of the transactions therein proposed, which transactions may be summarized as follows:

1. The Delaware Company proposes to liquidate and dissolve. For this purpose it will distribute the common stock of the Minnesota Company, all of which is now owned by the Delaware Company, to its stockholders. Prior to such distribution the stated capital of the Minnesota Company is proposed to be reduced, its common stock reclassified, and certain ac-

counting adjustments made.

2. The Second Amended Plan provides for the distribution to holders of the 6% and 7% Cumulative Preferred Stock of the Delaware Company of the same number of shares of stock of the Minnesota Company as under the First Amended Plan. The Second Amended Plan substantially increases the participation of the Class A and Class B Common Stock, by giving the holders of shares of each of such classes of stock larger participation in the Common Stock of the Minnesota Company. As a result the aggregate participation of the two series of Common Stock of the Delaware Company is 16.72% under the Second Amended Plan as compared with 9.56% under the First Amended Plan, with corresponding reduction in the participation of the two Preferred series from 90.44% under the First Amended Plan to 83.28% under the Second Amended Plan. The Second Amended Plan also increases the participation of the Class B Common Stock as compared with the Class A Common Stock, in that each share of Class B Stock receives 1/10 instead of approximately 1/4 of the participation of each share of Class A Common Stock.

3. The proposed distribution under the Second Amended Plan of the reclassified Common Stock of the Minnesota Company, aggregating 8,922,744 shares without par value, as between the various

classes of stock of the Delaware Company, is as follows:

	Number of shares of Minnesota common for each share of Delaware stock	Total number of shares of Minne- sota allocated to each class of stock of Delaware	Per- cent- age divi- sion among classes
7% cumulative preferred 6% cumulative preferred	10	3, 910, 770 3, 519, 891	43. 83 39. 45
Total to preferred stock.		7, 430, 661	83. 28
Class A common	3. 6 . 36	1, 229, 583 262, 500	13. 78 2. 94
Total to common		1, 492, 083	16.72
Total all securities		8, 922, 744	100.0

4. It is proposed that the Delaware Company pay in cash, on account of accumulated and unpaid dividends, \$3.50 per share on the 7% Cumulative Preferred Stock and \$3.00 per share on the 6% Cumulative Preferred Stock, and that the remainder of such accumulated dividends be discharged by distributions of the common stock of the Minnesota

Company as above set forth.

5. It is proposed that scrip certificates be issued by the Minnesota Company in lieu of any fractional shares to which stockholders might otherwise be entitled. Holders of such scrip certificates would not be entitled to the rights of shareholders until such time as such scrip certificates are exchanged for full shares of stock. If not so exchanged, it is proposed that such scrip certificates become void five years after the effective date of the plan.

6. It is proposed that the open account indebtedness now owed by the Delaware Company to the Minnesota Company be discharged by certain intercorporate transactions, and that certain adjustments be made in the accounts of the Minnesota Company, all as more fully set forth in said Second Amended Plan and safd amendment to the Application-Declaration, to which reference is hereby made.

7. The Minnesota Company proposes to amend its articles of incorporation so as to provide for an increase in the voting rights of its Cumulative Preferred Stock, \$3.60 series, from one to three

votes per share.

8. The Delaware Company proposes to transfer to the Minnesota Company, without consideration, any assets remaining after the distribution of the reclassified common stock of the Minnesota Company and the payment of expenses incident to the consummation of the Second Amended Plan.

9. The Delaware Company proposes to dissolve upon the consummation of the

Second Amended Plan.

10. The Delaware Company requests that if this Commission should approve the Second Amended Plan for the liquidation and dissolution of the Delaware Company, the Commission apply to a United States District Court pursuant to sections 11 (e) and 18 (f) of said act to

enforce and carry out the terms and provisions of the Second Amended Plan.

It appearing appropriate that notice be given of the filing of said Second Amended Plan and said amended Application-Declaration, and that a hearing be held in these consolidated proceedings concerning said Second Amended Plan and said amended Application-Declaration, and that evidence previously taken shall be considered in said consolidated proceedings as hereinafter provided:

It is therefore ordered, That the hearings in these consolidated proceedings shall be reconvened, and that there shall be considered at said reconvened hearing the Second Amended Plan, the said amended Application-Declaration the Minnesota Company, together with any amendments or modifications of the said Second Amended Plan or of said amended Application-Declaration which may hereafter be filed, and any other plan or plans filed by any other person having a bona fide interest as defined in Rule U-103 (h) under the act, including any plan which may be filed or proposed by the Commission pursuant to section 11 (d) of the act; and that such reconvened hearing shall be held on the 13th day of January 1947, at 10 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania in such room as may be designated on such date by the hearing room clerk in Room 318. All persons desiring to be heard or otherwise wishing to participate in these proceedings shall notify the Commission in the manner provided by Rule XVII of the rules of practice not later than two days prior to the date hereinbefore fixed for said hearing.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the Second Amended Plan and the amended Application-Declaration and that, on the basis thereof, the following matters and questions are presented for consideration by the Commission without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the Second Amended Plan, as filed or as it may be modified, is fair and equitable to the persons affected thereby, and particularly whether the allocation of securities, as between the various classes of stockholders of the Delaware Company, is fair and equitable;

(2) Whether the various accounting adjustments and the treatment of the open account and other related transactions, as proposed in said Second Amended Plan and said amended Application-Declaration, are in accordance with the above-mentioned order dated November 8, 1946;

(3) Whether, in the event that the Commission shall approve the Second Amended Plan, as filed or as modified, the Commission shall approve such plan for the purposes of section 11 (d) of the act (as well as section 11 (e)) so as to permit the Commission of its own motion and irrespective of any request therefor on the part of any of the participants in these proceedings, to apply to a court for the enforcement of such

plan pursuant to section 11 (d) of the

(4) Whether any plan proposed by the Commission or by any person having a bona fide interest, in accordance with the provisions of section 11 (d) of the act, should be approved for the purpose of effectuating compliance with the order of the Commission dated November 8, 1946, and if proposed by the Commission, what the terms and provisions of such plan should be.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That there shall be considered as part of the record in these consolidated proceedings all evidence previously taken, subject to the right of any interested person to object to the consideration of specific portions of such evidence as immaterial or irrelevant, and subject to the right of any interested person to supplement such evidence as may be appropriate.

It is further ordered, That consideration shall at the outset of said hearing be given to the Second Amended Plan as flied by the Delaware Company (together with the said amended Application-Declaration filed by the Minnesota Company), without prejudice to such consideration as may thereafter be appropriate to any other plan or to any modifications in said Second Amended Plan which may be proposed by any person having a bona fide interest pursuant to section 11 (d) of the act.

It is further ordered. That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of said hearing by mailing a copy of this notice and order for hearing by registered mail to Northern States Power Company (Delaware), Northern States Power Company (Minnesota), and to all other participants in these consolidated proceedings, and that notice of said hearing shall be given to all other interested persons by general release of the Commission and by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Northern States Power Company (Delaware) shall give notice of said hearing to all of its stockholders (in so far as the identity of such stockholders is known or available) by mailing to each of said stockholders a copy of this notice and order at his last known address at least fifteen days prior to the date of hearing set herein.

It is further ordered, That any plan bearing upon the liquidation and dissolution of Northern States Power Company (Delaware) or related matters, or any amendment to an existing plan by whomsoever filed, which may be filed with the Commission subsequent to the date of this order and prior to closing of the reconvened hearing ordered herein, shall be considered at such hearing or

any adjournment thereof, without further notice being given to the participants in these consolidated proceedings, unless otherwise ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters hereinbefore set forth or which may hereafter arise, or to consolidate with these proceedings other filings, or to take such other action as may appear to be necessary for the orderly, prompt, and economical disposition of the matters involved.

By the Commission.

SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-21167; Filed, Dec. 4, 1946; 8:47 a. m.]

[File No. 70-1391]

KANSAS CITY POWER & LIGHT CO.

ORDER PERMITTING APPLICATIONS AND DECLA-RATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of November A. D. 1946.

Kansas City Power & Light Company (Kansas City), a subsidiary of Continental Gas & Electric Corporation, in turn a subsidiary of The United Light and Railways Company, a registered holding company, having filed applications and declarations and amendments thereto pursuant to sections 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935 regarding the issue and sale at competitive bidding of \$36,000,000 principal amount of First Mortgage Bonds, due 1976, and 100,000 shares of \$100 par value Cumulative Preferred Stock, and the issue and sale to commercial banks of \$4,000,000 principal amount of 10year Serial Notes, the proceeds to be used to redeem the company's presently outstanding First Mortgage Bonds, 33/4 % Series, due 1966, in the principal amount of \$38,000,000 and 40,000 shares of no par value \$6 First Preferred Stock, Series "B"; and regarding proposals to amend its Articles of Incorporation to reclassify certain of its authorized but unissued shares of First Preferred Stock and Participating Preferred Stock into 200,000 shares of Cumulative Preferred Stock and 110,000 shares of Common Stock;

Kansas City having requested that the order of the Commission become effective forthwith in order to avoid any delay in calling the outstanding bonds and preferred stock; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein; and It appearing to the Commission that it is appropriate that the company's request that the order become effective forthwith be granted:

It is ordered, That said applications and declarations, as amended, be and the same hereby are granted and permitted to become effective forthwith, subject, however, to the terms and conditions contained in Rule U-24 and subject to the following additional conditions:

1. That Kansas City obtain from the State Corporation Commission of Kansas a final order expressly authorizing the issue and sale of said bonds, notes and preferred stock; and

2. That the proposed issue and sale of said bonds, notes and preferred stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all legal fees and expenses of counsel in connection with the proposed transactions.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 46-21162; Filed, Dec. 4, 1946; 8:48 a. m.]

[File No. 54-153]

CITIES SERVICE CO.

NOTICE OF FILING PLAN AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of November A. D. 1946.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, has filed an application under section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a Plan for the simplifica-tion of its corporate structure. The Plan provides for the issuance of 50-year 3% Sinking Fund Debentures in the aggregate principal amount of \$108,361,950 to be exchanged for Cities' outstanding preferred and preference stocks in an amount equal to the stated value of such stocks plus accrued and unpaid dividends to December 31, 1946, for the immediate retirement of a portion of its outstanding 5% Debentures out of treasury funds, for the later retirement of its remaining 5% Debentures through the application of part of the anticipated proceeds to be received by Cities when it disposes of its interest in The Ohio Public Service Company, The Toledo Edison Company, Federal Light & Traction Company, Spokane Gas & Fuel Company and in The Doniphan County Light & Power Company, and the application of the balance of such anticipated proceeds to the retirement of the new Sinking Fund Debentures.

Cities is a Delaware corporation and its business is exclusively that of a holding company. Below is the condensed balance sheet of Cities, per books, as at October 31, 1946.

ASSETS

Investments and advances:
Securities of subsidiary companies, other than public utilities, at cost or less__ \$167,997,476
Public utilities securities (at

costorless) and advances 68, 529, 054
Other investments and ad-

Other assets 3, 206, 814 47, 461

329, 223, 542

no par value:

cumulative preferred, 560,600 shares____ 56, 060, 000 \$6 cumulative preference BB, 17.700 shares_____ 1,770,000 60¢ cumulative preference B. 86,000 shares_____ 860,000 58, 690, 000 Common stock equity: Common stock, \$10 par value, 3,702,000 shares_____ 37 020 000 Capital surplus_____ 22, 580, 396 Earned surplus (since Dec. 31, 1937) -----69, 261, 946 128, 862, 342 Current liabilities_____ 14, 829, 845 Accrued undeclared cumulative dividends on preferred and preference stocks to Dec. 31, 1937___ 19, 661, 150 Contingencies_____ 6, 691, 905 26, 353, 055 329, 223, 542

Note: At Oct. 31, 1946, unpaid accumulated dividends amounted to \$46,810,100 (\$83.50 per share) on the \$6 preferred stock, \$1,531,050 (\$86.50 per share) on the preference BB stock, and \$743,900 (\$8.65 per share) on the preference B stock.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

Cities proposes to call for redemption and retirement, out of its treasury cash, all of its outstanding 5% Convertible Gold Debentures, due 1950, aggregating as of October 31, 1946, \$40,578,100 in principal amount.

Cities proposes to retire its remaining presently outstanding funded debt consisting of \$59,910,200 principal amount out of proceeds to be derived from the disposition of its interests in the utility companies mentioned above and anticipates that such proceeds will be more than sufficient to effectuate such retirement.

Cities proposes to issue \$108,361,950 aggregate principal amount of 50-year 3% Sinking Fund Debentures ("Debentures") and to exchange for each share of its outstanding preferred and preference stocks and arrears an amount of its proposed Debentures equivalent to the stated value of such stock plus all accrued and unpaid dividends thereon as of December 31, 1946, as follows:

Principal Amount of Debentures to be Issued

For every share of preferred stock (including all arrears) \$184.50

For every share of BB stock (including all arrears) 187.50

For every share of B stock (including all arrears) 18.75

Interim Certificates will be issued in denominations of \$10 or multiples thereof for amounts less than \$100, which when combined in the requisite amount may, at any time prior to January 1, 1950, be exchanged for one or more Debentures of an authorized denomination of \$1,000, \$500 and \$100. Interim Certificates not so exchanged before January 1, 1950, will become void. Cities proposes to pay amounts less than \$10 in cash at par.

Cities' proposed 3% Debentures will be subordinate to its outstanding 5% Debentures and will be issued under an Indenture which will provide, among other things, (a) for an annual sinking fund of \$1,500,000; (b) the application of the proceeds to be received by Cities upon the disposition of its interest in the aforementioned utility companies to the retirement of the \$59,910,200 principal amount of its remaining outstanding 5% Debentures; and (c) the application of any excess of such proceeds to the partial retirement of the proposed 3% Debentures.

The effectuation of the Plan is subject to certain conditions, including the following, that (a) the holders of 60% or more of the aggregate stated value of the Preferred Stock and Preference Stocks shall, on or before the expiration of 60 days (this time may be extended, in the discretion of Cities, for a further aggregate period not exceeding 60 days) from the time Cities is authorized by the Commission to solicit exchanges, have delivered to Cities agreements evidencing their willingness to exchange their stock for Debentures under the Plan; (b) Cities may employ investment dealers, banks, brokers, or other agents and may pay fees or commissions for their services in effecting exchanges and has requested Commission authorization to

solicit the exchanges and to employ such agents; and (c) the Commission, upon the request of Cities, shall have applied for and obtained a court enforcement order in accordance with the provisions

of section 11 (e) of the act.

The Commission being required by the provisions of section 11 (e) of the act before approving any Plan thereunder to find, after notice and opportunity for hearing, that the Plan as submitted or as modified is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held on the Plan filed by Cities to afford all interested persons an opportunity to be heard with

respect thereto:

It is ordered, That a hearing on said application, pursuant to applicable provisions of the act and the rules and regulations thereunder be held on December 19, 1946, at 11:00 a. m., e. s. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing shall be held. In the event that amendments to the Plan are filed during the course of said proceedings, no notice of such amendments will be given unless specifically ordered by the Commission. Any person desiring to receive further notice of the filing of any additional plans or amendments should file an appearance in these proceedings or otherwise specifically request such notice.

It is further ordered, That Willis E. Monty or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the

Commission's rules of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the Plan, as submitted or as may be hereinafter modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby, more particularly whether the Plan affords fair and equitable treatment to the respective classes of stockholders of

Cities.

- 2. Whether the Debentures proposed to be issued by Cities will be reasonably adapted to the security structure of the company and the Cities system and otherwise meet the standards of section 7 of the act, and whether the terms and conditions under which the Debentures are proposed to be issued and sold will be detrimental to the public interest or the interests of investors and consumers.
- 3. Whether the Indenture under which the proposed Debentures are to be

issued contain adequate protective provisions for the benefit of security holders.

4. Whether the terms and conditions under which Interim Certificates are proposed to be issued are fair and equitable to the Preferred and Preference Stockholders.

5. Whether Cities should be permitted to solicit written agreements from its Preferred and Preference Stockholders to exchange their holdings for proposed Debentures and, in this connection, whether Cities should be permitted to employ investment dealers, banks, brokers, or other agents to effect such exchanges and, if so, what compensation should be allowed.

6. Whether the Plan conforms to the applicable provisions of the act in that the consummation thereof is conditioned upon the securing by Cities of written agreements from holders of 60% of the aggregate stated value of the Preferred and Preference Stocks evidencing their willingness to accept the proposed ex-

change offer.

7. Whether the Plan is appropriate in the light of the Commission's orders issued pursuant to section 11 (b) (1) of the act dated August 17, 1943, May 5, 1944 and October 12, 1944; and whether the Commission should propose a plan for compliance with said orders and, if so, what the terms and conditions of such plan should be.

8. Whether the Plan should be modified to include a provision for the payment of such fees, expenses and remuneration in connection with the proposed Plan as the Commission may determine,

award or allocate.

9. Whether the accounting entries to be made in connection with the proposed transactions are proper and in accordance with sound accounting principles and in accordance with the Uniform System of Accounts for Public Utility Holding Companies.

10. Whether, and to what extent, the proposed Plan should be modified or terms and conditions imposed to insure adequate protections of the public interest and the interests of investors and consumers and compliance with the Public Utility Holding Company Act of 1935.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before December 17, 1946, his request or application therefor as provided by Rule XVII of the rules of

practice of the Commission.

It is further ordered, That notice of said hearing be given to Cities and to all other persons, said notice to be given by registered mail to Cities Service Company, and to all other persons by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Cities Service Company shall give further notice of this hearing to all its stockholders (insofar as their identity is known or available to Cities), by mailing to each such stockholder at his last known address, a copy of this notice and order, said mailing to

be completed not later than 15 days prior to the date of this hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS,

[F. R. Doc. 46-21163; Filed, Dec. 4, 1946; 8:48 a. m.]

[File 54-143]

BUFFALO NIAGARA ELECTRIC CORP. ET AL. ORDER PERMITTING APPLICATIONS AND DECLA-RATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of November 1946.

In the matter of Buffalo Niagara Electric Corporation, Hydraulic Race Company, Lower Niagara River Power and Supply Company, File No. 54–143.

Buffalo Niagara Electric Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn, a subsidiary of The United Corporation, a registered holding company, and Hydraulic Race Company and Lower Niagara River Power and Water Supply Company, both wholly-owned and non-utility subsidiaries of Buffalo Niagara Electric Corporation, having filed a joint plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 regarding the merger into Buffalo Niagara Electric Corporation of Hydraulic Race Company and Lower Niagara River Power and Water Supply Company; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and

opinion herein;

It is ordered, That said applications and declarations be, and the same hereby are, granted and permitted to become effective, respectively, subject to the terms and conditions prescribed in Rule U-24.

The applicant having requested that the order of the Commission herein conform to the formal requirements specified in Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and contain the recitals and specifications prescribed therein; and

It appearing to the Commission that the applicants' request in this respect should be granted;

It is further ordered and recited, That the transactions proposed in the aforesaid plan, to be effected by Buffalo Niagara Electric Corporation, including particularly the transactions hereinafter described and recited, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are hereby authorized, approved and directed;

The transfer or conveyance to Buffalo Niagara Electric Corporation upon and by the effect of the merger of Hydraulic Race Company and Lower Niagara River Power and Water Supply Company into Buffalo Niagara Electric Corporation of all the right, title and inter-

est of Hydraulic Race Company and Lower Niagara River Power and Water Supply Company, or either of them, in and to any lands, tenements or realty.

By the Commission.

ORVAL L. DUBOIS, Secretary.

(F. R. Doc. 46-21164; Filed, Dec. 4, 1946; 8:48 a. m.]

[File Nos. 59-22, 52-27, 54-125]

NORTH AMERICAN GAS AND ELECTRIC CO. ET AL.

NOTICE OF FILING OF AMENDMENTS TO RE-ORGANIZATION PLAN, AND NOTICE OF AND ORDER RECONVENING HEARINGS IN CON-SOLIDATED PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of November A. D. 1946.

In the matter of North American Gas and Electric Company, Washington Gas and Electric Company, Nathan A. Smyth and Leo Loeb, Trustees of the Estate of Washington Gas and Electric Company, and their subsidiary companies, Respondents, File No 59-22; Nathan A. Smyth and Leo Loeb, as Trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, File No. 52-27; Nathan A. Smyth and Leo Loeb, as Trustees in reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor; Southern Utah Power Company, File No. 54-125.

Notice is hereby given that Nathan A. Smyth, as Trustee in Reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor ("Washington"), a public utility and registered holding company, has filed with the Commission an application for approval of Amendment No. 1 to his Plan for Reorganization of Washington ("the Washington Plan"), submitted pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 (the "act"), including, as an integral part thereof, Amendment No. 2 to his application for approval of the Plan of Re-capitalization of Southern Utah Power Company ("Southern Utah"), a public utility company and a subsidiary of Washington. Such amended plan of Southern Utah ("the Southern Utah Plan") has been submitted jointly by said Nathan A. Smyth and Leo Loeb as Trustees of Washington and by Southern Utah as being designed to effect compliance with section 11 (b) (2) of the act.

All interested persons are referred to the said Amendment No. 1 to the Washington Plan and Amendment No. 2 to the Southern Utah Plan which are on file in the offices of this Commission for a statement of the transactions and modifications proposed therein and other matters relating thereto. Copies of the amendments to the plans will be mailed by the Trustee to interested parties in this proceeding including all creditors of Washington and all public stockholders of Washington and Southern Utah. The proposed amendments to said plans are summarized briefly as follows:

I. The Southern Utah Plan. 1. Southern Utah will be recapitalized with a simplified capital structure consisting of only one class of capital stock, in addition to its First Mortgage Bonds, 4% Series A, due 1970, of which \$823,000 are now outstanding. The Articles of Incorporation will be amended so as to eliminate all reference to the Prior Preference Stock and \$5 Preferred Stock, and to provide for an authorized issue of 82,000 shares of new Common Stock of \$10 par value in place of the 7,500 shares of \$100 par value Common Stock presently authorized.

There will be issued and delivered in exchange for the presently outstanding shares of Prior Preference, \$5 Preferred and Common Stock, 81,035 shares of the new \$10 par value Common Stock.

2. The new Common Stock will be issued to holders of presently outstanding stocks of the company on the follow-

ing basis of exchange:

(a) For the 3,000 shares of \$100 par value 7% Prior Preference Stock (all owned by Washington), 40,216 shares of new \$10 par value Common Stock, or approximately 13.4 shares for each share of Prior Preference Stock;

(b) For 3531/2 shares of no par value \$5 Preferred Stock (41 shares owned by Washington), 4,203 shares of new Common Stock, or approximately 11.89 shares for each share of \$5 Preferred Stock;

(c) For the 4.750 shares of \$100 par value Common Stock (all owned by Washington), 36,616 shares of the New Common Stock.

In making the proposed exchanges, only whole shares of new stock will be delivered. In lieu of issuing factional shares, cash will be paid in amounts equal to the value, at \$9.25 per share as estimated by the Trustee of Washington, of the fractional shares which would otherwise be deliverable.

3. Upon carrying out the proposed exchanges, the resulting holdings of new Common Stock at their par value, will be as follows:

Wash- ington		
\$773, 190	\$37, 160	\$810, 350

4. Shares of the present Prior Preference Stock, \$5 Preferred Stock and Common Stock may be tendered for exchange at the office of Southern Utah in Cedar City, Utah, on or after the day following the date when the proposed amendment to the Articles of Incorporation becomes effective. If so tendered within ninety days from such day the certificate for the new Common Stock deliverable in exchange will be dated as of the day following said effective date; if tendered after said ninety days the certificates for the new Common Stock will be dated as of the days of the tender. On and after the effective date of the proposed amendment no holder of a certificate for a share or shares of stock of the company of any class will be entitled to any rights as a stockholder except to exchange his shares as above provided.

5. The present Amendment No. 2 provides that no dividends shall be paid on any presently outstanding shares of the company of any class, in order that the cash reserves which will be available for new construction shall not be depleted.

6. The Trustees propose that, for the purpose of allocating the new stock in the recapitalization, in view of the facts previously set forth in Amendment No. 1 to the Southern Utah Plan, dividends should be deemed to have accrued on the 7% Prior Preference Stock and the \$5 Preferred Stock from January 1, 1945.

7. The present amendment makes no change in the existing capital stock liability of the company. Changes other than those hereinabove enumerated, relating principally to elimination of all references to the Prior Preference and Preferred Stock, are more fully set forth in said amendment.

II. The Washington Plan. The principal changes in the Washington Plan, to be effected by the proposed Amendment No. 1 thereto, are summarized as

Washington will issue \$782,250 principal amount of new First Mortgage bonds, as originally proposed, and 93,-842 shares of new \$10 par value Common Stock instead of the 136,849 shares of no par value Common Stock originally proposed. Such bonds and shares of new stock will be distributed among Washington's creditors. No participation will be accorded to the 7% Preferred Stockholders of Washington, since it is the stated belief of the Trustee that the total value of the securities and cash distributable to Washington's bondholders and general creditors will be less than the full amounts of their claims with interest.

2. The Trustee states that application will be made to the Court to declare Washington insolvent and to determine the value of the security of the 6% Bondholders to be \$1,386,917.36 and to classify such Bondholders as unsecured creditors to the extent of \$1,417,870.04, that being the amount by which their claims, including interest to September 30, 1946, exceed the value of such security, as estimated by the Trustee.

3. The mortgage under which Washington's new bonds are proposed to be issued will contain a provision that additional bonds, in excess of the principal amount of \$782,250 originally proposed. may be issued by Washington up to 60% of the cost of net additions made to its utility plant and subjected to the lien of the mortgage from January 1, 1947. the proceeds of the sale of such additional bonds to be applied to the payment or in reimbursement for the cost

of such property additions.

4. Washington will allocate its new bonds and common stock, its holdings of new common stock of Southern Utah, hereinbefore described, and cash, to its bondholders and general creditors as set forth below. In connection with such allocation, the new common stock of Washington will be valued for distribution purposes at \$10 per share, its new bonds at their face amount and the new common stock of Southern Utah at \$9.25 per share. The basis of such proposed allocation is as follows:

(a) To holders of first lien and general mortgage bonds (6% bonds):

Per \$1,000 face

New common stock of Southern Utah, \$10 par value (approx. 25.51 shares) __ 236

786

(b) To general creditors:

	Total amount	Percent of princi- pal of claim	
New common stock of South- ern Utah, \$10 par value (3,479 shares at \$9.25 per share) Cash	\$32, 180, 75 7, 366, 50	77	
	89, 547. 25		

(c) The provision in the original Plan for the payment, in addition to the securities and cash allocated as above, of interest in cash on the claims of bondholders and general creditors from June 30, 1946, to the date provided for the distribution of assets in the order confirming the Plan, is now eliminated.

(d) No allocation of securities to holders of Washington's 7% Preferred Stock is proposed since the Debtor is stated to be in-

solvent.

(e) The present common stock of Washington will not participate in the reorganization and will be cancelled.

Other changes, consisting principally of the elimination of references to the new preferred stock of Southern Utah, are more fully set forth in the amendments to the plan.

III. It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings in the aforesaid consolidated proceedings with respect to Washington and its remaining subsidiary, Southern Utah, be reconvened: and that a hearing be held with respect to said Amended Plan of Reorganization of Washington, either as filed or as it may hereafter be modified, and with respect to said Amended Plan of Recapitalization of Southern Utah, or any other plans with respect to either or both of such companies which may be proposed by the Commission or by any person having a bona fide interest in the reorganization, in accordance with the provisions of section 11 (f) of the

It is ordered, That a hearing in such consolidated proceedings under the applicable provisions of the act and rules of the Commission be reconvened on December 19, 1946 at 10:00 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act, and to a trial exam-

iner under the Commission's rules of practice.

It is further ordered, That, at the outset of said hearing opportunity shall be provided to Southern Utah Power Company and to Nathan A. Smyth and Leo Loeb, as Trustees of Washington Gas and Electric Company, Debtor, to show cause why the issues with respect to the recapitalization of Southern Utah should not first be considered and disposed of in these proceedings prior to the disposition of the remaining issues herein.

It is further ordered, That without limiting the scope of the issues to be considered in these consolidated proceedings, there will be considered at such reconvened hearing the matters and questions set forth in our Notice of and order reconvening hearings herein, dated August 21, 1946 (Holding Company Act Re-

lease No. 6855).

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to Nathan A. Smyth and Leo Loeb, Trustees of Washington Gas and Electric Company, Debtor, to Southern Utah Power Company, the Cities of Tacoma, Washington and Cedar City, Utah, the Federal Power Commission, the Department of Public Service of the State of Washington, the Public Service Commission of the State of Utah, The Continental Bank and Trust Company of New York, indenture trustee under the mortgage securing Washington's First Lien and General Mortgage 6% Bonds and to The Chase National Bank of the City of New York, indenture trustee under the mortgage securing Washington's First Mortgage Bonds; and that notice of said hearing is hereby given to the security holders of Washington Gas and Electric Company and of Southern Utah Power Company, consumers of said companies, States, municipalities and political subdivisions of States within which are located any of the utility assets of Washington Gas and Electric Company and of Southern Utah Power Company, or under the laws of any of which such companies are incorporated, all federal authorities having jurisdiction thereof, all State commissions, State securities commissions. and all agencies, authorities, judicial bodies or instrumentalities of the United States of America, and states, municipalities, or other political subdivision having jurisdiction over Washington Gas and Electric Company and Southern Utah Power Company, or over any of the business, affairs, or operations of either of them.

Further notice is to be given by general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and to all persons by publication of this order in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of hearing.

It is further ordered, That on or before December 6, 1946, Nathan A. Smyth, Trustee of Washington Gas and Electric Company, Debtor, shall serve notice of the said hearing by mailing copies of this notice of and order for hearing to all

participants in these proceedings, or their respective attorneys, to all persons who have appeared in the reorganization proceeding of Washington Gas and Electric Company, Debtor (File No. 79529) in the United States District Court for the Southern District of New York, and to all known security holders of Washington Gas and Electric Company and Southern Utah Power Company, respectively, at their last known addresses; and

It is further ordered, That any persons desiring to be heard in connection with this proceeding, or proposing to intervene herein, shall file with the Secretary of this Commission, on or before December 16, 1946, his request or application therefor, as provided in Rule XVII of the rules of practice of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 46-21165; Filed, Dec. 4, 1946; 8:47 a. m.]

DEPARTMENT OF JUSTICE.

Office of Alien Property.

[Vesting Order 7536]

ALLGEMEINE DEUTSCHE CREDIT-ANSTALT

In re: Bank accounts, bonds and stock owned by and debts owing to Allgemeine Deutsche Credit-Anstalt. F-28-34-A-1, F-28-34-A-2, F-28-34-A-3, F-28-34-C-1, F-28-34-C-2, F-28-34-E-, F-28-34-E-, F-28-34-E-10.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned,

after investigation, finding:

1. That Allgemeine Deutsche Credit-Anstalt, the last known address of which is Schliessfach 91, Leipzig C1, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as fol-

lows

a. That certain debt or other obligation owing to Allgemeine Deutsche Credit-Anstalt, by The Philadelphia National Bank, Philadelphia, Pennsylvania, arising out of a checking account, entitled Allgemeine Deutsche Creditanstalt, and any and all rights to demand, enforce, and collect the same,

b. That certain debt or other obligation owing to Allgemeine Deutsche Credit-Anstalt, by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of a banking account, entitled Allgemeine Deutsche Credit-Anstalt, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Allgemeine Deutsche Credit-Anstalt, by The Public National Bank & Trust Company of New York, 37 Broad Street, New York 15, New York, arising out of a checking account, entitled Allgemeine Deutsche Creditanstalt, and any and all rights to demand,

enforce, and collect the same,

d. That certain debt or other obligaowing to Allgemeine Deutsche Credit-Anstalt, by Prague Credit Bank, New York Agency, 67-69 William Street, New York 5, New York, arising out of a dollar account, entitled Allgemeine Deutsche Credit Anstalt, Leipzig, Germany, and any and all rights to demand, enforce and collect the same,

e. German Government 3% Coupons due 1940, of \$3.00 face value, registered in the name of bearer, presently in the custody of Hallgarten & Co., 44 Wall Street, New York 5, New York, together with any and all rights thereunder and

f. Three hundred (300) shares of capital stock of Magdalena Syndicate, evidenced by certificates numbered 17431. 17432 and 17433, registered in the name of Hans Anton Herz, and presently in the custody of Guaranty Trust Company of New York, 524 Fifth Avenue, New York, New York, together with all declared and unpaid dividends thereon,

g. One (1) City of Carlsbad External Loan Bond, of \$1,000.00 face value, bearing the number M665, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

h. Two (2) German Central Bank Agriculture First Lien Bonds, of \$2,000.00 face value, bearing the numbers M14589 and M9657, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto.

i. Two (2) Lower Austrian Hydro Electric Power Company First Mortgage Bonds, of \$2,000.00 face value, bearing the numbers 2547 and 622, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

j. One (1) Tyrol Hydro Electric Power Company Second Mortgage Bond, of \$1,000.00 face value, bearing the number M539, presently in the custody of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, together with any and all rights

thereunder and thereto,

k. That certain debt or other obligation owing to Allgemeine Deutsch Credit-Anstalt by Hallgarten & Co., 44 Wall Street, New York 5, New York, in the amount of \$31.14, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

1. That certain debt or other obligation owing to Allgemeine Deutsche Credit-Anstalt by Goldman, Sachs & Co., 30 Pine Street, New York, New York, in the amount of \$46.12, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account

of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095.

as amended.

Executed at Washington, D. C., on September 5, 1946.

JAMES E. MARKHAM. Alien Property Custodian.

[F. R. Doc. 46-21205; Filed, Dec. 4, 1946; 8:46 a. m.]

[Vesting Order 7669]

J. SHOJI HIRAT

In re: Stock owned by J. Shoji Hirai. F-39-4610-D-1, F-39-4610-D-2, F-39-4610-D-3, F-39-4610-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That J. Shoji Hirai, whose last known address is Post Office Box 1008. Sannomiya, Kobe, Japan, is a resident of Japan and a national of a designated

enemy country (Japan);

2. That the property described as follows: Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of J. Shoji Hirai, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in

the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated

enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL]

JAMES E. MARKHAM, Alien Property Custodian.

EXHIBIT A

Name and Address of Issuing Corporation, State of Incorporation, Type of Stock, Par Value, Number of Shares, and Certificate

Paramount Pictures Inc., 1501 Broadway, New York, New York; New York; common; \$1; 25; CO37067. Paramount Publix Corporation, 1501 Broadway, New York, New York; New York;

common; no par; 2; O97161.

Warner Bros. Pictures, Inc., 321 West 44th Street, New York, New York; Delaware; common; \$5; 50; ACO 195496.
Warner Bros. Pictures, Inc., 321 West 44th

Street, New York, New York; Delaware; common; \$5; 100; AC 83862.

Hupp Motor Car Corporation, 3641 East Milwaukee Avenue, Detroit 11, Michigan; Virginia; common; \$1; 53; CO-4062.

[F. R. Doc. 46-21207; Filed, Dec. 4, 1946; 8:46 a. m.]

[Vesting Order 7689]

VIOLET L. VON WERLHOF

In re: Stocks and bonds owned by and debts owing to Violet L. Von Werlhof. F-28-4025-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Violet L. Von Werlhof, whose last known address is Langemarckstrasse 58, Dresden, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as fol-

lows:

a. That certain debt or other obligation owing to Violet L. Von Werlhof, by United States Trust Company of New York, 45 Wall Street, New York 5, New York, in the amount of \$11,584.91, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Atwell & Co., beneficially owned by Violet L. Von Werlhof, and presently in the custody of the United States Trust Company of New York, 45 Wall treet, New York, New York together with all declared and un-

paid dividends thereon,

c. Thirteen (13) United States of America 2%% Treasury Coupon Bearer Bonds of \$2,550.00 aggregate face value, bearing the numbers 104385E for \$50.00, 353010L, 37536E, 301701D, 301807H, 44028J, 344031A, 72093C, 353011A, 353012B, 353013C, for \$100.00 each, 27585E for \$500.00, and 338220L for \$1,000.00, presently in the custody of The United States Trust Company of New York, 45 Wall Street, New York 5, New York, together with any and all rights

thereunder and thereto.

d. That certain debt or other obligation owing to Violet L. Von Werlhof by Lawyers Title & Guaranty Co., New York, New York and/or the New York State Superintendent of Insurance, 160 Broadway, New York, New York, in the amount of \$2,746.47, as of December 31, 1945, arising out of participation in Claim Numbered 10526 against the Lawyers Title & Guaranty Co., evidenced by a letter from the Liquidation Bureau, State of New York Insurance Department, said letter being presently in the custody of the United States Trust Company of New York, 45 Wall Street, New York 5, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid letter.

e. That certain debt or other obliga-tion owing to Violet L. Von Werlhof by Lawyers Title & Guaranty Co., New York, New York, and/or the New York State Superintendent of Insurance, 160 Broadway, New York, New York, in the amount of \$1,193.75, as of December 31, 1945, arising out of participation in Claim Number 10538 against the Lawyers Title & Guaranty Co., evidenced by a letter from the Liquidation Bureau, State of New York Insurance Department, said letter being presently in the custody of the United States Trust Company of New York, 45 Wall Street, New York 5, New York, and any an all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid letter, and

f. That certain debt or other obligation owing to Violet L. Von Werlhof, by Lawyers Mortgage Co., New York, New York, and/or the New York State Super-intendent of Insurance, 160 Broadway, New York, New York, in the amount of \$57.90, as of December 31, 1945, arising out of a claim, Claim Number 17440, against Lawyers Mortgage Co., evidenced by a letter from the State of New York Insurance Department, said letter being presently in the custody of the United States Trust Company of New York, 45 Wall Street, New York 5, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid letter.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country:

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany): And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 19, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name and address of issuer	State of incorporation	Certificate Nos.	Number of shares	Par value	Type of stock
American Power & Light Co., 2 Rector St., New York, N. Y. Consolidated Edison Co. of New	Maine	O42435 O36033 O39466 30730	2 64 34 10	No No No	\$6.00 preferred. \$6.00 preferred. \$6.00 preferred. \$5.00 preferred.
York, Inc., 4 Irving Place, New York, N. Y. Liggett & Myers Tobacco Co., 4241 Folsom Ave., St. Louis, Mo.	New Jersey	C36250 B7614	50 100	\$100 100	\$5.00 preferred. 7% preferred. 7% preferred.

[F. R. Doc. 46-21208; Filed, Dec. 4, 1946; 8:46 a. m.]

[Vesting Order 7551]

GEORGE W. ENGEL

In re: Stock and bank account owned by George W. Engel. D-28-10-D-1, D-28-10-A-1, D-28-10-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That George W. Engel, whose last known address is % Okura & Co. (Trading) Ltd., Ginza, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as

a. One hundred five (105) shares of no par value common capital stock of General Electric Company, One River Road, Schenectady 5, New York, a corporation organized under the laws of the State of New York, evidenced by certificate number 355747 for 95 shares and certificate number NYE-297751 for 10 shares, registered in the name of George W. Engel,

together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to George W. Engel, by The Union National Bank, Schenectady, New York, arising out of a checking account, entitled George W. Engel, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in

the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 5, 1946.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

[F. R. Doc. 46-21206; Filed, Dec. 4, 1946; 8:46 a. m.]

[Vesting Order 7732] KURT GIESLER ET AL.

In re: Stock owned by and debt owing to Kurt Giesler, Rolf Giesler, and Friedrich Giesler. F-28-1627-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Kurt Giesler, Rolf Giesler, and Friedrich Giesler, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany):

2. That the property described as fol-

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of Ladenburg, Thalmann & Co., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Kurt Giesler, Rolf Giesler, and Friedrich Giesler, by Ladenburg, Thalmann & Co., 25 Broad Street, New York 4, New York, in the amount of \$4338, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country:

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

Ехнівіт А

Name and address of issuing corporation	State of incorpora-	Par value	Number of shares	Certificate Nos.
Atchison, Topeka & Santa Fe Ry. Co., 80 East Jackson Blvd., Chicago, Ill.	Kansasdo	\$100 100	10	X357928. X345053.
Do. Illinois Central R. R. Co., 135 East 11th Place, Chicago, Ill.	Illinoisdo	100 100 100	100 8 20	274496. 0220389, 0220392. TN7741. TN03549.
Louisville & Nashville R. R. Co., Louisville, Ky	Kentuckydo	100		
Southern Pacific Co., 65 Market St., San Francisco, Calif United States Steel Corp., 51 Newark St., Hoboken, N. J	do New Jersey	No 100	30	2969. N C656. P76246.

[F. R. Doc. 46-21209; Filed, Dec. 4, 1946; 8:46 a. m.]

[Vesting Order 7745]

SIBYLLA PULVERMANN
In re: Stocks owned by and debts owing

to Sibylla Pulvermann.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sibylla Pulvermann, whose last known address is Westensee, Germany, is a resident of Germany and a national of a designated enemy country (Germany):

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the name of William Ausborn and beneficially owned by Sibylla Pulvermann, presently in the custody of William Ausborn and on deposit in safe deposit box number 254 at the Central Hanover Safe Deposit Company, 335 Greenwich Street, New York, New York, together with all declared and unpaid dividends thereon,

b. Those certain securities described in Exhibit B, attached hereto and by reference made a part hereof, registered in the names of the persons set out in Exhibit B and beneficially owned by Sibylla Pulvermann, presently in the custody of William Ausborn, 53 Park Place, New York, New York, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of Central Hanover Bank and Trust Company, 335 Greenwich Street, New York, New York, arising out of a blocked account entitled "William Ausborn", maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York, New York, arising out of a checking account entitled "Eduard F. Pulvermann, Dec'd", maintained at the branch office of the aforesaid bank located at 233 Broadway, New York, New York, and any and all rights to demand, enforce and collect the same.

e. Those certain debts or other obligations owing to Sibylla Pulvermann by Seaboard Trust Company, 95 River Street, Hoboken, New Jersey, in the amounts of \$1.75, \$2.33 and \$1.75 respectively, as of June 4, 1946, evidenced by three checks of Seaboard Trust Company: number 3976, dated January 1, 1940, in the amount of \$1.75, number 3814, dated July 1, 1940, in the amount of \$2.33 and number 3630, dated January 1, 1941, in the amount of \$1.75, presently in the custody of William Ausborn, 53 Park Place, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid checks,

f. That certain debt or other obligation owing to Sibylla Pulvermann by Markt & Schaefer Company, in the amount of \$162.00, as of June 4, 1946; evidenced by check number 29514, dated April 1, 1940, in the amount of \$162.00, drawn by Markt & Schaefer Company on Irving Trust Company, One Wall

No. 236-5

Street, New York, New York, and presently in the custody of William Ausborn, 53 Park Place, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid check.

g. That certain debt or other obligation owing to Sibylla Pulvermann by Markt & Company, 53 Park Place, New York, New York, in the amount of \$2,800.23, as of June 4, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

h. That certain debt or other obligation owing to Sibylla Pulvermann by William Ausborn, 53 Park Place, New York, New York, in the amount of \$500.00, as of June 4, 1946, evidenced by a note, in the principal sum of \$500.00, dated December 21, 1940, issued by William Ausborn, 53 Park Place, New York, New York, to William Ausborn, and presently in the custody of William Ausborn, 53 Park Place, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note, and

i. That certain debt or other obligation owing to Sibylla Pulvermann by Juliette Ausborn, 112 Buckingham Road, Montclair, New Jersey, in the amount of \$2,970.13, as of June 4, 1946, evidenced by a note, in the principal sum of \$2,970.13, dated June 19, 1941, issued by Juliette Ausborn, 112 Buckingham Road, Montclair, New Jersey, to William Aus-born, and presently in the-custody of William Ausborn, 53 Park Place, New York, New York, and any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid note,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that com-

pensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

EXHIBIT A

Name, address and State of incorporation of issuer	Certificate numbers	Number of shares	Par value	Type of stock
United States Steel Corp., 71 Broadway, New York, N. Y.	M 72224	20	\$100.00	Common.
Incorporated in New Jersey. Standard Oil Co., 910 South Michigan Ave., Chicago, Ill. Incorporated in Indiana.	O 155297	30	25, 00	Capital.
Transamerican Corp., Montgomery St., at Columbus Ave., San Francisco, Calif. Incorporated in Delaware.	\[\frac{\text{NY}}{\text{C}} 20013	40	2,00	Do.
United Biscuit Co., of America, 1041 West Harrison St., Chicago, Ill. Incorporated in Delaware.	O 37747	.60	No	Common.
Pillsbury Flour Mills Co., 600 Metropolitan Bldg., Minne-	9042	60	25, 00	Capital.
apolis, Minn. Incorporated in Delaware. Packard Motor Car Co., Detroit, Mich. Incorporated in Michigan.	N 366915 N 366916 N 0543958 NY 23616	100 100 50 100	No No No 5,00	Common. Do. Do. Capital.
Nash-Kelvinator Corp., 14250 Plymouth Rd., Detroit, Mich. Incorporated in Maryland.	NY 0 48851	25	5, 60	Do.
International Harvester Co., 180 North Michigan Ave., Chicago, Ill. Incorporated in New Jersey.	FN 233641	25	No	Common.
Hershey Chocolate Corp., Hershey, Pa. Incorporated in Delaware.	CO 32681	20	No	Do
Carnation Company, 700 Milwaukee Gas Light Building,	C 13527	60	No	Do.
Milwaukee, Wis. Incorporated in Delaware. Canadian Pacific Ry. Co., Montreal, Quebec, Canada. Incorporated in Canada.	HI 59940	100	25, 00	Ordinary.
Bhir & Co., Inc., 44 Wall St., New York, N. Y. In- corporated in New York.	$\left\{ \frac{\text{NY}}{\text{CF}} 49208 \right\}$	1	1.00	Capital.
Bank of America National Trust & Savings Assoc., 300 Montgomery St., San Francisco, Calif.	B 98223	. 8	12.50	Common.

Ехнівіт В

Name, address and State of incorporation of issuer*	Certificate Nos.	Type of security	Registered owner	Number of shares
Seaboard Trust Co., 95 River St., Hoboken, N. J. Incor- porated in New Jersey. Markt & Schaefer Co., Incor- porated in New Jersey. Bank of America National Trust & Savings Asso., 300 Montgomery St., San Fran- cisco, Calif.	TC 5688 TR 8533 VT 4334 8 5692 17 18 F 75885	Trust certificate Trust receipt Voting trust Script certificate Common stock do do do	Edward F. Pulvermann. do. do. do. do. do. William Ausborn.	Part for \$10.63. Receipt \$116.89. 1. 2194 210. 108. 216. 5.

[F. R. Doc. 46-21210; Filed, Dec. 4, 1946; 8:48 a. m.]

[Vesting Order 7752]

MUNENOBU UOMOTO

In re: Stock owned by and debt owing to Munenobu Uomoto, also known as Munemubo Uomoto. D-39-576-A-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Munenobu Uomoto, also known as Munemubo Uomoto, whose last known address is Japan, is a resident of Japan, and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. That certain debt or other obligation owing to Munenobu Uomoto, also known as Munemubo Uomoto, by Williams and Southgate, 14 Wall Street, New York 5, New York, in the amount of \$1,284.25, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, registered in the names of the persons set forth in Exhibit A, beneficially owned by Munenobu Uomoto, also known as Munemubo Uomoto, and presently in the custody of Williams and Southgate, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 25, 1946.

[SEAL] JAMES E. MARKHAM, Alien Property Custodian.

EXHIBIT A

HADIDIT A								
Name and address of issuer	State of incorporation	Certificate Nos.	Num- ber of shares	Par value	Type of stock	Registered in the name of—		
Commercial Credit Co.,	Delaware	NCO-58406	10	\$10.00	Common	Munemubo Uomoto.		
Baltimore, Md.		CO 75611	2	10,00	do	Do.		
Consolidated Edison Co. of N. Y., Inc., 4 Irving Place, New York, N. Y.	New York	500374	10	No	do	Do.		
Kennecott Copper Corp., 120 Broadway, New York,	do	O89533	20	No	Capital	Do.		
N. Y. Mead Johnson & Co., Evans-	Indiana	TN 8675	100	No	Common	Do.		
ville, Ind.	Augustiana.	TN 8674	100	No	do	Do.		
Montgomery Ward & Co.,	Illinois	NCO 85335	10	No	do	Do.		
Inc., 619 West Chicago Ave., Chicago, Ill.	F011733000000000000000000000000000000000	NCO 480259	2	No	do	Do.		
Pullman, Inc., 110 West Tenth St., Wilmington, Del.	Delaware	NF 152000	10	No	Capital	Do.		
Philadelphia Electric Co.,	1			D. m.				
1000 Chestnut St., Phila- delphia 5, Pa.	Pennsylvania	{NY 58895	} 10	No	Common	Graham, Parsons &		
Public Service Corp. of New	New Jersey	X095031	2	No	do	Williams & Southgate.		
Jersey, 80 Park Place, Newark 1, N. J.		569085	3	No	do	Bearer.		
The United Gas Improve- ment Co., 1401 Arch St.,	Pennsylvania	NO9436	912	13. 50	Capital	Williams & Southgate.		
Philadelphia 5, Pa. Twentieth Century-Fox Film Corp., 444 West 56th St., New York, N. Y.	New York	CO51119	15	No	Common	Do.		
F. W. Woolworth Co., Wool- worth Bldg., New York,	}do	$\left\{ \frac{W}{F} 236109$	10	10.00	do	Munemubo Uomoto.		
N. Y.			THE STATE	-	170			

[F. R. Doc. 46-21211; Filed, Dec. 4, 1946; 8:48 a. m.]

[Vesting Order 7775]

HELENA CREMER ET AL.

In re: Property owned by Helena Cre-F-28-4410-A-1, F-28mer and others. 24747-A-1, F-28-24749-C-1, F-28-24059-A-1, F-28-24750-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the following persons, whose names and last known addresses are hereinafter set forth:

Names and Addresses

Helena Cremer, c/o Eugen Hoerner G. m. b. H., Heilbronn, Germany.

Emma Lempp, c/o Eugen Hoerner G. m. b. H., Heilbronn, Germany.

Moritz Lipp, Wilhelmstrasse 67, Berlin,

Bertha Winkhaus, c/o Burkhardt & Co.,

Lindenallee 7/9, Essen, Germany, Alfred Zielenzieger, Talbenstrasse 25, Berlin W. 8, Germany.

are residents of Germany and nationals of a designated enemy country (Ger-

2. That the property described as follows:

a. That certain debt or other obligation owing to Moritz Lipp, by New York Hanseatic Corporation, 120 Broadway, New York 5, New York, in the amount of \$479.10, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation owing to Alfred Zielenzieger, by New York Hanseatic Corporation, 120 Broadway, New York 5, New York, in the amount of \$249.50, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

c. 53,438 shares of common capital stock of Mitchell & Mussigbrod Mining Company, Deer Lodge, Montana, a corporation organized under the laws of the State of Montana, evidenced by certificate number 8, registered in the name of Helena Cremer, and beneficially owned by Helena Cremer, together with all de-clared and unpaid dividends thereon,

d. Eighty (80) shares of capital stock of Chicago Heights Land Association, evidenced by certificate number 832 for 20 shares and certificate number 840 for 60 shares, registered in the name of Emma Lempp, presently in the custody of New York Hanseatic Corporation, 120 Broadway, New York 5, New York, together with all declared and unpaid dividends, and

e. Chicago, Rock Island & Pacific Railway Co. 41/2 % Gold Bonds, Series "A" of \$5,000 aggregate face value, registered in the name of Bernhard Voges, 120 Broadway, New York 5, New York, beneficially owned by Bertha Winkhaus, presently in the custody of New York Hanseatic Corporation, 120 Broadway, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country:

And determining that to the extent that such nationals are persons, not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany):

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1946.

[SEAL] JAMES E. MARKHAM. Alien Property Custodian.

[F. R. Doc. 46-21212; Filed, Dec. 4, 1946; 8:48 a. m.]

FEDERAL COMMUNICATIONS COM-MISSION.

[Docket Nos. 7400, 7972]

HEARST RADIO, INC. (WBAL) AND PUBLIC SERVICE RADIO CORP.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re applications of Hearst Radio, Inc. (WBAL), Baltimore, Maryland, for renewal of license, Docket No. 7400, File No. B1-R-152; Public Service Radio Corporation, Baltimore, Maryland, Docket No. 7972, File No. B1-P-5257; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 20th day of

November 1946;

The Commission having under consideration (1) the above entitled application of Hearst Radio, Inc. (WBAL) for renewal of license of Station WBAL, at Baltimore, Maryland, which heretofore, on February 15, 1946, was designated for hearing; (2) the above-entitled application of Public Service Radio Corporation, filed on September 17, 1946, requesting a construction permit for a new standard broadcast station to operate on 1090 kc, with 50 kw power, unlimited time, at Baltimore, Maryland, the facilities now authorized to Station WBAL; (3) the petition, filed on September 17, 1946, by Public Service Radio Corporation requesting that its said application be designated for hearing in a consolidated proceeding with the said application of Hearst Radio, Inc. (WBAL) and for other relief; and (4) the opposition to said petition, filed on September 26, 1946 by Hearst Radio, Inc.;

It is ordered, That the petition of Public Service Radio Corporation be, and it is hereby, granted insofar as it requests that petitioner's application be designated for hearing in a consolidated proceeding with the said application of Hearst Radio, Inc. (WBAL); and that the said application of Public Service Radio Corporation be, and it is hereby, designated for hearing in a consolidated proceeding with the said application of Hearst Radio, Inc. (WBAL), each upon

the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant Public Service Radio Corporation to construct and operate the proposed station, and of the applicant Hearst Radio, Inc. (WBAL) to continue to operate Station WBAL.

2. To determine the areas and populations which may be expected to receive service from the operation of the station proposed by Public Service Radio Corporation, and which now receive service from Station WBAL, and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service to be rendered and whether it would meet the requirements of the populations and areas pro-

posed to be served.

4. To obtain full information respecting the present installation of Station WBAL and the installation proposed by Public Service Radio Corporation.

5. To determine on a comparative basis which, if either, of the applications in

this consolidated proceeding should be granted.

It is further ordered, That, on the Commission's own motion, the said consolidated hearing now scheduled to be held on December 2, 1946, be, and it is hereby, continued to January 13, 1946.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE,

Secretary.

[F. R. Doc. 46-21194; Filed, Dec. 4, 1946; 8:46 a. m.]

[Docket No. 7840]

MIAMI COUNTY BROADCASTING Co., INC.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of The Miami County Broadcasting Company, Inc., Piqua, Ohio, Docket No. 7840, File No. B2-P-4954; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of

November 1946:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1570 kilocycles, with 250 watts power daytime only at Pigua, Ohio:

power, daytime only, at Piqua, Ohio; It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Dr. Delbert Joseph Parsons, John Edward Harwood and Bill Erin, a partnership d/b as Champion City Broadcasting Company (File No. B2-P-5208; Docket No. 7892) requesting a construction permit for a new standard broadcast station to operate on 1570 kilocycles with 1 kilowatt power, daytime only, at Springfield, Ohio, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and

operate the proposed station.

To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and

areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Dr. Delbert Joseph Parsons, John Edward Harwood and Bill Erin, a partnership d/b as Champion City Broadcasting Company (File No. B2-P-5208; Docket No. 7892) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning

standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21200; Filed, Dec. 4, 1946; 8:47 a. m.]

[Docket No. 7892]

CHAMPION CITY BROADCASTING Co.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of Dr. Delbert Joseph Parsons, John Edward Harwood and Bill Erin a partnership d/b as Champion City Broadcasting Company, Springfield, Ohio, Docket No. 7892, File No. B2-P-5208; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of

November 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1570 kilocycles, with 1 kilowatt power, daytime only, at Springfield, Ohio;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of The Miami County Broadcasting Company, Inc. (File No. B2-P-4954; Docket No. 7840) requesting a construction permit for a new standard broadcast station to operate on 1570 kilocycles, with 250 watts power, day-time only, at Piqua, Ohio, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed

station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and

areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of The Miami County Broadcasting Company, Inc. (File No. B2-P-4954; Docket No. 7840) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21199; Filed, Dec. 4, 1946; 8:47 a. m.]

[Docket No. 7958]

ATLANTA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. W. Woodruff, tr/as Atlanta Broadcasting Company (WATL), Atlanta, Georgia, Docket No. 7958, File No. B3-P-3985; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946;

The Commission having under consideration the above-entitled application requesting a construction permit to change the present facilities of Station WATL, Atlanta, Georgia of 1400 kc, 250 w power, unlimited time, to 1380 kc, 5 kw power, unlimited time, directional antenna at night, to install new transmitter and to change transmitter location;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant to construct and operate Station WATL as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WATL as proposed and the character of other broadcast service available to those areas and populations.

To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of Station WATL as proposed would involve objectionable interference with Station KWK at St. Louis, Missouri, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of Station WATL as proposed would involve objectionable interference with the services proposed in the pending applications of Skyway Broadcasting Corporation, Ashville, North Carolina (B3-P-4464), Northeastern Indiana Broadcasting Company, Inc., Ft. Wayne, Indiana (B4-P-4063), Thomas Patrick, Inc., licensee of Station KWK, St. Louis, Missouri (B4-P-4843), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof. the areas and populations affected thereby, and the availability of other broadcast service to such areas and popula-

6. To determine whether the installation and operation of Station WATL as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine whether the operation of Station WATL as proposed would involve objectionable interference with Stations CKPC, Brantford, Ontario, Canada, XEMX, Mexico, D. F., or any other existing foreign broadcast station within the meaning of the North American Regional Broadcasting agreement, and the nature and extent of such interference.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21198; Filed, Dec. 4, 1946; 8:47 a. m.]

[Docket No. 7902]

PUBLIX BROADCASTING SERVICE OF CHAR-LOTTE, INC.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of Publix Broadcasting Service of Charlotte, Inc., Charlotte, North Carolina, Docket No. 7902, File No. B3-P-5276, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946;

The Commission having under consideration the above-entitled application, as amended, requesting a construction permit for a new standard broadcast station to operate on 760 kc, with 1 kw power, daytime only, at Charlotte, North Carolina:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the ap-

plication of Capitol Broadcasting Company, Inc. (File No. B3-P-4879) requesting a construction permit for a new standard broadcast station to operate with identical facilities in the same city, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and

operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas

proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

such areas and populations.
5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21196; Filed, Dec. 4, 1946; 8:46 a. m.]

[Docket No. 7960]

SAN FERNANDO VALLEY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company, San Fernando, California, Docket No. 7960, File No. B5-P-5387; For Construction Permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946:

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1450 kilocycles, with 250 watts power, unlimited time, at San Fernando, California:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Ken Henryson, Edward J. Murset and Victor S. Layng, a partnership, d/b as California Broadcasting Company (File No. B5-P-5419), requesting a construction permit for a new standard broadcast station to operate on 1450 kilocycles, with 250 watts power, unlimited time, at Santa Monica, California, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to construct and operate the

proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and

areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to

such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Ken Henryson, Edward J. Murset and Victor S. Layng, a partnership d/b as California Broadcasting Company (File No. B5-P-5419), or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning

standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21202; Filed, Dec. 4, 1946; 8:47 a. m.]

[Docket No. 7961]

CALIFORNIA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of Ken Henryson, Edward J. Murset and Victor S. Layng, a partnership d/b as California Broadcasting Company, Santa Monica, California,

Docket No. 7961, File No. B5-P-5419; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November, 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcasting station to operate on 1450 kilocycles, with 250 watts power, unlimited time, at Santa Monica, California:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing in a consolidated proceeding with the application of Tom C. Carrell, d/h as San Fernando Valley Broadcasting Company (File No. B5-P-5387) requesting a construction permit for a new standard broadcast station to operate on 1450 kilocycles, with 250 watts power, unlimited time, at San Fernando, California, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed

station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and

areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending application of Tom C. Carrell, d/b as San Fernando Valley Broadcasting Company (File No. B5-P-5387) or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL] T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21201; Filed, Dec. 4, 1946; 8:47 a. m.]

[Docket No. 7964]

WIRED MUSIC, INC.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re application of Wired Music, Inc., Rockford, Illinois, Docket No. 7964, File No. B4-P-5296; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of November 1946;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at Rockford, Illinois;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and

operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and

areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station WRJN, Racine, Wisconsin, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning

standard broadcast stations.

It is further ordered, That Racine Broadcasting Corporation, Racine, Wisconsin, licensee of Station WRJN, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21197; Filed, Dec. 4, 1946; 8:46 a. m.]

[Docket Nos. 7965, 7966]

SEASIDE BROADCASTING CO. AND ATLANTIC CITY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEAR-ING ON STATED ISSUES

In re applications of Seaside Broadcasting Company, Atlantic City, New Jersey, Docket No. 7965, File No. B1-P-5384; Atlantic City Broadcasting Corporation, Atlantic City, New Jersey, Docket No. 7966, File No. B1-P-5402; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 21st day of

November 1946;

The Commission having under consideration the above-entitled applications requesting construction permit for a new standard broadcast station to operate on 1400 kc, 250 w, unlimited time, at

Atlantic City, New Jersey;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and are hereby, designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant corporation; its officers, directors and stockholders to construct and

operate the proposed station.

2. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations,

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and

areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice concerning standard broadcast stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be

granted.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 46-21203; Filed, Dec. 4, 1946; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Production and Marketing Administration.

ALLIED MOLASSES Co., INC.

NOTICE OF HEARING

In the matter of Allied Molasses Company, Inc., 386 Smith Street, Perth Amboy, New Jersey.

It appearing that on August 16, 1946 (11 F. R. 9329), an order was issued effective five days after date, directing the Allied Molasses Company, Inc. to cease and desist from accepting deliveries of edible molasses, as that term is defined in War Food Order No. 51, as amended, until its basic quota of 382,800 gallons, by quarterly accumulation of 95,700 gallons per quarter, shall in the aggregate exceed its over-use of 504,193 gallons; and

It further appearing that no appeal was taken from such order within the specified period provided in the order, and the applicable rules and regulations;

and

It further appearing that Allied Molasses Company, Inc. (hereinafter sometimes referred to as the "petitioner"), has filed a petition, dated October 19, 1946, in which, among other things, it was alleged that the provisions of the aforesaid suspension order have worked an undue and unreasonable hardship on third parties who have in the past purchased petitioner's products and who are now unable to purchase such products elsewhere in the market by reason of the aforesaid suspension order and has requested a hearing to afford it an opportunity to present evidence with respect to the effect of such hardship on third

Wherefore, It is ordered, That a hearing be held beginning at 10:00 a.m., December 6, 1946, in Room 1205, Westinghouse Building, 150 Broadway, New York, New York, before John J. Curry, the Presiding Officer, for the purpose of affording petitioner an opportunity to present evidence in support of its contention that third parties have suffered undue and unreasonable hardship as a result of the issuance of the suspension order referred to above.

It is further ordered, That the petition is in all other respects denied.

The Presiding Officer is directed to exclude all evidence which does not appear to be germane to the question of the effect of the provisions of the suspension order on third parties who have heretofore purchased petitioner's products.

All persons who desire to be heard on this issue in this matter may appear at the time and place above indicated.

Done at Washington, D. C., this 3d day of December 1946.

[SEAL] JESSE B. GILMER, Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 46-21256; Filed, Dec. 4, 1946; 9:21 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-800] CITIES SERVICE GAS CO.

NOTICE OF ISSUANCE

NOVEMBER 29, 1946.

Notice is hereby given that, on November 27, 1946, the Federal Power Commission issued its findings and order permitting abandonment, entered November 26, 1946, in the above designated matter.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 46-21158; Filed, Dec. 4, 1946; 8:48 a. m.]

[Docket Nos. G-782, G-790]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF ISSUANCE

NOVEMBER 29, 1946.

Notice is hereby given that, on November 26, 1946, the Federal Power Commission issued its findings and orders issuing certificates of public convenience and necessity, entered November 22, 1946, in the above designated matters.

[SEAL] LEON M. FUQUAY, Secretary.

[F. R. Doc. 46-21159; Filed, Dec. 4, 1946; 8:49 a. m.]

[Docket No. G-822] MEMPHIS NATURAL GAS CO.

ORDER SUSPENDING RATE SCHEDULES

NOVEMBER 27, 1946.

It appearing to the Commission that: (a) Memphis Natural Gas Company, hereinafter sometimes referred to as Memphis, on October 31, 1946, filed with the Commission the following natural gas supplemental rate schedules, to wit: Supplement No. 4 to Rate Schedule FPC No. 2 for sales to Arkansas Power & Light Company; Supplement No. 4 to Rate Schedule FPC No. 3 and Supplement No. 2 to Rate Schedule FPC No. 8 for sales to Mississippi Power and Light Company; Supplement No. 3 to Rate Schedule FPC No. 5 for sales to West Tennessee Gas Company; and Supplement No. 4 to Rate Schedule FPC No. 7 for sales to Memphis Light, Gas and Water Division, City of Memphis.

(b) The aforesaid supplements increase the rates and charges to be made by Memphis for natural gas sold for resale approximately \$240,000, on the basis of estimated sales for the year 1947, over its present effective schedules established in 1943, at which time the Commission entered its order and Opinion No. 104. The proposed changes in the above designated rate schedules will (1) increase the rates and charges for natural gas delivered by 1.1¢ per mcf, except as to sales for resale to special industrial customers; (2) increase the rates and charges for natural gas by providing a new method of determining gross demand, for the billing of gas other than that sold for resale to special industrial customers; and (3) provide a purchase price adjustment clause which may change the rates and charges for natural

gas.

(c) The purported justification of the said proposed increases in the rates and charges, indicates that the schedules are designed to yield a 6½% rate of return on the volume of gas sales estimated for the year 1947.

(d) Protest as to the proposed increases in rates and charges has been made by the Memphis Light, Gas and Water Division of the City of Memphis and the West Tennessee Gas Company has informed the Commission that if the proposed increases become effective it will necessitate an increase in its rates and charges.

(e) The rates, charges and classifications set forth in the aforesaid supplements, referred to in paragraph (a) above, may be unjust, unreasonable and unlawful and place an undue burden upon the ultimate consumers of natural

gas.

The Commission finds that: It is necessary and desirable in the public interest that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, and classifications set forth in the aforesaid supplements referred to in paragraph (a) above and that such supplements be suspended pending hearing and decision thereon.

The Commission orders that:

(A) A public hearing be held on a date and at a place to be hereafter fixed by the Commission, concerning the lawfulness of the rates, charges, and classification, subject to the jurisdiction of the Commission, contained in the aforesaid supplements referred to in paragraph (a) above, filed by Memphis Natural Gas

Company.

(B) Pending such hearing and decision thereon, the supplements referred to in paragraph (a) above, insofar as such supplemental schedules provide for the sale of natural gas other than for resale for industrial use only, be and the same hereby are suspended until April 30, 1947, and until such time thereafter as such supplement shall be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided in Rule 8 (18 CFR 1.8) and Rule 37 (18 CFR 1.37) of the Commission's rules of practice and

procedure.

Date of issuance: November 29, 1946. By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 46-21157; Filed, Dec. 4, 1946; 8:48 a. m.]

SELECTIVE SERVICE SYSTEM.

[Order 34, Amended]

PATUXENT REFUGE PROJECT, PRINCE GEORGES COUNTY, MD.

DESIGNATION AS CAMP FOR CONSCIENTIOUS OBJECTORS

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Patuxent Refuge project to be work of national importance, to be known as Civilian Public Service Camp No. 34. Said camp, located at Bowie, Prince Georges County, Maryland, will be the base of operations for fish and wildlife and forestry work in the State of Maryland, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Bowie Camp will consist of the construction of dams for the impoundment of lakes, construction and maintenance of roads and trails for service and fire protection, maintenance of an experimental nursery, clearance of compartment lines, road, and trail right-of-ways, construction of roads, trails and fire lanes, general improvement of wildlife breeding grounds by the control of flood waters, the construction of a series of fish rearing ponds, and general improvement work on the area, and shall be under the direction of the Fish and Wildlife Service of the Department of the Interior. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,

Director.

DECEMBER 2, 1946.

[F. R. Doc. 46-21204; Filed Dec. 4, 1946; 8:47 a. m.]

UNITED STATES MARITIME COM-MISSION.

Incorporation of Rates and Charges in Ocean Bills of Lading

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237), all persons interested in the proposed rule hereinafter set out may file with the Secretary of the Commission, Washington 25, D. C., within thirty (30) days of the publication of this notice in the FEDERAL REG-ISTER, written material relevant to the issues which the proposed rule presents. Persons who are residents of or whose principal place of business is located in the States of Washington, Oregon, or California, or persons who reside beyond the confines of the continental United States, or the agents or attorneys of such parties, are allowed five (5) additional days for filing such material. The material may consist of views, arguments, and data, and shall include a statement showing the interest of the participant in the subject matter.

The proposed rule concerning which material may be submitted is substan-

tially as follows:

Every common carrier by water engaged in the transportation of property from points in continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands to foreign points, shall incorporate in the original and all copies of bills of lading or other shipping documents the rates and charges for or in connection with such transportation, except for cargo loaded and carried in bulk without mark or count, irrespective of whether such bills of lading or other shipping documents are prepared by the carrier or by any other person for the signature of the carrier.

The purpose of the submission of the said material is to receive evidence likely to be of assistance to the Commission in determining whether the proposed rule is necessary and desirable in accordance with section 17 of the Shipping Act, 1916, which provides that the Commission may determine, prescribe, and order enforced a just and reasonable practice relating to or connected with the receiving, handling, storing, or delivering of property.

By order of the United States Maritime Commission.

> A. J. WILLIAMS, Secretary.

NOVEMBER 27, 1946.

[F. R. Doc. 46-21193; Filed, Dec. 4, 1946; 8:45 a. m.]